

CHRONICLE  
OF THE  
BRITISH INDIAN  
ASSOCIATION

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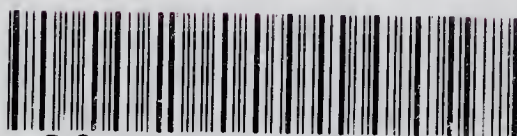
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CHRONICLE  
OF  
THE BRITISH INDIAN ASSOCIATION  
(1851-1952)

*Edited by*  
P. N. SINGH ROY

BRITISH INDIAN ASSOCIATION  
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DEDICATED  
TO  
THE HALLOWED MEMORY OF THE FOUNDERS  
OF  
THE BRITISH INDIAN ASSOCIATION







18, BRITISH INDIAN STREET.





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## Preface

Diverse forces seeking expression for national sentiment prevalent in Bengal in the middle of the 19th century caused on October 29, 1851, the merger of the Landholders Society and the Bengal British India Society into a more broadbased and popular body, the British Indian Association. It happened to be the first all-India political organisation which conceived the idea of one Indian Nationhood, and worked for its consummation. From its very inception, it devoted itself to the service of the nation, and did not spare any labour or attention for its political, social and cultural upliftment. In championing the cause of the people, at times it came into conflict with the British administrators, and a certain section of the Indian citizens, who did not subscribe to its methods and ideals. The record of the activities of the organisation, at least for the first fifty years of its existence, practically relates to the broad phases of the national movement of the period.

The idea of publishing this record originated with Sir Bijoy Prosad Singh Roy, for long a very prominent member of the Association. In consideration of the importance of the work, it was accepted in right earnest. I am happy that our efforts have assumed a concrete shape in spite of the difficulties that beset its path. I take this opportunity to offer the Association's tribute of respect to the memory of our beloved friend and collaborator Sir Bijoy Prosad Singh Roy for his services to this Institution.

The book has been divided into four parts and each part in a general way deals with the momentous events of the time and the Association's activities in that connection. Matters of limited importance have further been conveniently arranged under each Part and put in separate Chapters. The first portion of the book, more or less, deals chronologically with broad facts of special interest. But in its latter portions it has hardly been possible to stick to this plan, as it is very difficult to marshal facts and present them in the order of time. To minimise this difficulty, a little deviation has been made from the plan in order

to follow a new scheme for setting up in a compact form, instead of in dribblets, some measures of considerable importance, which came up repeatedly before the public in a puzzling succession in the course of a century. It is expected that this will be of much advantage to the future students of history.

The publication may not be of any special liking to one who is always prone to compare the past with the present but if it be of any use to the students, who want to dive into the past as it come up, we shall consider our labour well repaid.

The volume has been enriched with a foreword written by Shri C. Rajagopalachari, one of the great Indian political leaders who have moulded the nation's destiny. We are deeply grateful to him.

For the valuable help received in the publication of the book at its various stages the Association is greatly indebted to Shri Kali Charan Ghosh.

The Association offers thanks to Dr. Sachin Sen for contributing an illuminating Preamble to the book, to Sarbashree Jogesh Chandra Bagal, Bijoy Bhusan Das Gupta and Ushanath Banerjee for their substantial help and useful suggestions, and to Shri Upendra Nath Banerjee for preparing the contents and index to the volume.

Perhaps many are not aware of the continued good work done for the Association by the Honorary Secretary, Sri P. N. Singh Roy. This publication, which now sees the light of day, is mainly due to the untiring zeal and effort of Sri Singh Roy. On behalf of the Association, and as its President for many years, I would like to put on record the appreciation of the valuable services rendered by him.

For the sake of brevity, the Association had to forego the desire of putting many incidents and their details that might justly claim incorporation in this volume.

18, British Indian Street,  
Calcutta,

The 26th September, 1965.

*U. C. Mahtab,*  
Maharajadhiraja Bahadur of  
Burdwan,  
*President,*  
British Indian Association,  
Calcutta.



## Foreword

We are passing through a decade when many grand old institutions in our country celebrate their Diamond Jubilees and Centenaries. The British Indian Association played a great part in the political and social history of our country. It was founded before the Indian National Congress and gave it a platform in the early days of its career. This book is a chronicle of the activities of one of the famous historic institutions of modern India and will be an instructive addition to any public or college library.

I was the Association's guest in December 1947, and in the course of my reply to an address of welcome I said what I feel has still great relevancy and importance !

We sought freedom and liberty from foreign domination. We saw the difficulties of a free status but at that time only darkly as through a glass. Now we are face to face with liberty. Let us not shrink but bravely endure and fulfil the responsibilities of freedom. Let us work with faith and with hope in spite of all seemingly impossible difficulties. Let us remember that charity is above all else most necessary. Let us judge one another with charity. Let us understand one another with charity. Let us not be easily provoked. Let us not think evil. Let us show that charity can bear, believe, hope and endure. Charity will never fail. This was what Paul said to his disciples. And this is what Gandhiji had been preaching for so long and is now daily fervently praying for every evening. He is praying in silence and tears to God and appealing untiringly to the common people whom he loves as dearly as he loves his God.

The British Indian Association has not changed its name although I referred to it in these words :

“But apart from all other things and troubles your name is a very serious problem and you cannot continue to call

yourself the "British Indian Association". There is much in a name. The whole world consists of names. The name is not as unimportant a thing as the poet said about the rose. Now, I shall not give you advice about this matter. It is left to the wise and considered decision of your Committee, and I have no doubt that you will take the right decision."

I feel the Association has done well in discarding my hint and retaining its historical name. It is good we respect history, and refuse to remove old landmarks.

There is plenty of work for old established institutions with a great name, like the British Indian Association of Calcutta, in an India which is still struggling truly to realise itself. May the spirit of enterprise inspire its present members as it did in the old days and may success attend its activities:

MADRAS  
*April 15, 1965*

A handwritten signature in dark ink, appearing to read 'C. Rajagopalachari', with a long horizontal flourish extending to the right.

(C. Rajagopalachari)



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RAJA SIR RADHAKANT DEB, K.C.S.I.  
*First President, British Indian Association, 1851.*





# THE BRITISH INDIAN ASSOCIATION

## PREAMBLE

The inauguration of the British Indian Association in October 1851 was an event of great national import. It was neither an accident nor an isolated event. It was nothing less than the culminating point of the manifest attempts at self-expression of a newly awakened nation that had been frantically searching for its soul.

It is, therefore, nothing unusual that the roots of this new organisation lay deeper in the early years of the 19th Century. With the advancement of English education, the educated gentry, though as yet a microscopic minority of the entire population, felt at their hearts the gross anomaly of subjection of India under foreigners. Some of the well-known Zemindary Houses, which had already been recognised as seats of native learning and culture and early to have garnered the fruits of English education, took the initiative in propagating English education in India. Under the distinguished patronage of Raja Radhakanta Deb, Prince Dwarka Nath Tagore and Babu Prasanna Kumar Tagore, the Hindu College was founded in May 1816, and its success prompted the establishment in quick succession of the Calcutta School Book Society in 1817, and the Calcutta School Society the next year. The Europeans in India wholeheartedly acclaimed this move on the part of the Indian educated gentry.

But the rising nationalism of India resented Britain's aspiration for cultural conquest of India. The fearless champions of Bengali journalism exposed the scurrilous attacks of Christian Missionaries on Hinduism and contributed not a little to welding the bond of unity among the different segments of the Hindu body politic—the orthodox and the progressive, critical young Bengal and the loyalists. The Government's attack upon vernacular journalism as reflected



## PREAMBLE

in the Press Regulation of 1823, was accordingly strongly objected by all sections of public opinion under the leadership of Ram Mohun Roy, Dwarka Nath Tagore and Prasanna Kumar Tagore.

This unity patently manifested itself ten years later when the orthodox school represented by Dharma Sabha founded by Raja Gopimohan Deb, the progressive school represented by Brahma Sabha, founded by Raja Ram Mohun Roy, and the forward school led by the ex-students of the Hindu College combined together to agitate for improvement in the provisions of the Charter Act of 1833. The establishment of the Bangabhasa Prakasika Sabha in 1836 was a joint political move by some prominent Bengalees taken with the avowed object of opposing the Regulation for resumption of rent free lands. But the Sabha died a premature death. With a view to forming a society on the model of the Bengal Chamber of Commerce to safeguard their interests in land, an organisation under the name—the Landholders' Society, was set up at a Conference of the leading landholders held at the Hindu College Hall on November 12, 1837. It was more an economic than a political body. Its membership was open to all irrespective of caste, creed or religion. There were a number of Europeans among its members: John Cobbe Hurrey, Theodore Dickens, George Princep and some others who even occupied seats on the Executive Committee. It was significant, however, that Raja Radhakanta Deb was its first President, and Dwarka Nath Tagore its principal promoter.

The object of the Society was patently political. It took keen interest in all matters conducive to the welfare of the country. It was practically the institution which imparted to the people the first lessons in the art of constitutional fight in vindication of their rights. It called upon the landholders, who had been then the natural leaders of the people, to fight for the rights of the people, insofar as these were ultimately bound up with those of the ryots.

## PREAMBLE

With its wide outlook, and deep political insight, it was not difficult for the new Society to appreciate the inestimable value of maintaining a liaison with the British Government in London, either through an Agent, or, better still, through a band of devoted friends and well-wishers who were favourably disposed towards India's political aspirations. Though the Landholders' Society had in Mr. John Crawford an able agent in London, the formation of the British India Society in London, in the middle of 1839, was greatly welcomed by it. It set up a strong Committee with such stalwarts as Raja Radhakanta Deb, Dwarka Nath Tagore, Kalinath Roy and Theodore Dickens to carry on correspondence with the London Society on all matters concerning the welfare of India.

At no distant date from its inception while enthusiasm of the Landholders' Society began to sag for various reasons, the London British India Society was doing vigorous yet unselfish political work. Its spectacular success inspired a meeting which was held at the Fouzdary Balakhana on April 20, 1843, under the presidency of George Thomson, which ushered in the Bengal British India Society with a vigorous political programme. It was the handiwork of Young Bengal and had a distinctly progressive outlook. The elite of the city, including the landholders and the Europeans at first refrained from joining it. Mr. W. Theobald and Peary Chand Mitra were, respectively, its first President and Secretary.

Apart from the various forces that worked in the social and political life of India, at the time a peculiar combination of events also quickened the birth of the British Indian Association. In the closing period of the first half of the 19th Century, the attack of the Christian Missionaries in India on Hindu religion reached a new height. Though the Hindu Society was weak and divided at the time, it, however, responded to the call for unity against aggression. The young social reformist Debendra Nath Tagore of the Tattwabodhini Sabha joined hands with Raja Radhakanta Deb of the ortho-



## PREAMBLE

dox school, to check the Missionary menace. Their first step as the Secretary and President of a Committee set up in March 1845, was to establish a free English School to counter the activities of the Missionaries. The Tattwabodhini Sabha and the Bengal British India Society supplemented each other in their work of national orientation.

The need for concerted action by a body that could speak confidently on behalf of all sections of the Indian population was keenly felt when in 1849, Sir Drinkwater Bethune's beneficent measures were savagely opposed by Europeans in India. The Europeans, in order to make their influence felt even in the governance of India, strengthened themselves in an organised way, and won the day even against the Government. The need for voicing the popular opinion was never felt so keenly till then, as it was in 1853, when the Charter Act was proposed to be given a new lease of life.

For the purpose, the National Association was founded on September 19, 1851, at a meeting held in the Paikpara Rajbati. Most of the members of the well-known Zemindar families of Bengal attended the meeting. Prominent among the participants at this meeting were Babus Debendra Nath Tagore, Prasanna Kumar Tagore, Kali Nath Ray and Raja Protap Chunder Singh. Its membership was open to all classes of the subjects of the Indian Empire. Its object was to promote the welfare of the country by asserting "our legal rights by legitimate means", to apply for any amendment or reform either to the local government or to the authorities in England. Debendra Nath Tagore was appointed its first Secretary. The members of the Association undertook to provide funds for working it at least for the next three years.

Within a month and a half of the inauguration of the National Association, a bigger and a more representative body, viz., the British Indian Association came into existence with a wider sphere of activities. Thus, after fifty years of

## PREAMBLE

intense preparation, the country had a powerful organisation which in later years successfully espoused the cause of the nation—an act in which the young and the old, the orthodox and the reformist, merged their personal differences and became united. The Association since its inception by ceaselessly rendering service to the nation, has fulfilled in no mean measure the hopes and confidence reposed by the people in it.



# PART I

(1851-1880)

## CHAPTER I

### A PROMISING START

#### The Inaugural Meeting

The inaugural meeting of the proposed new body was held on 29th October, 1851, Raja Satya Churn Ghosal Bahadur of Bhukailash presiding. The constitution of the Association of the forty-seven clauses mainly based on the Constitution of the National Association was adopted. The Association was formed for a period of not less than three years. The principal objects of the Association were :

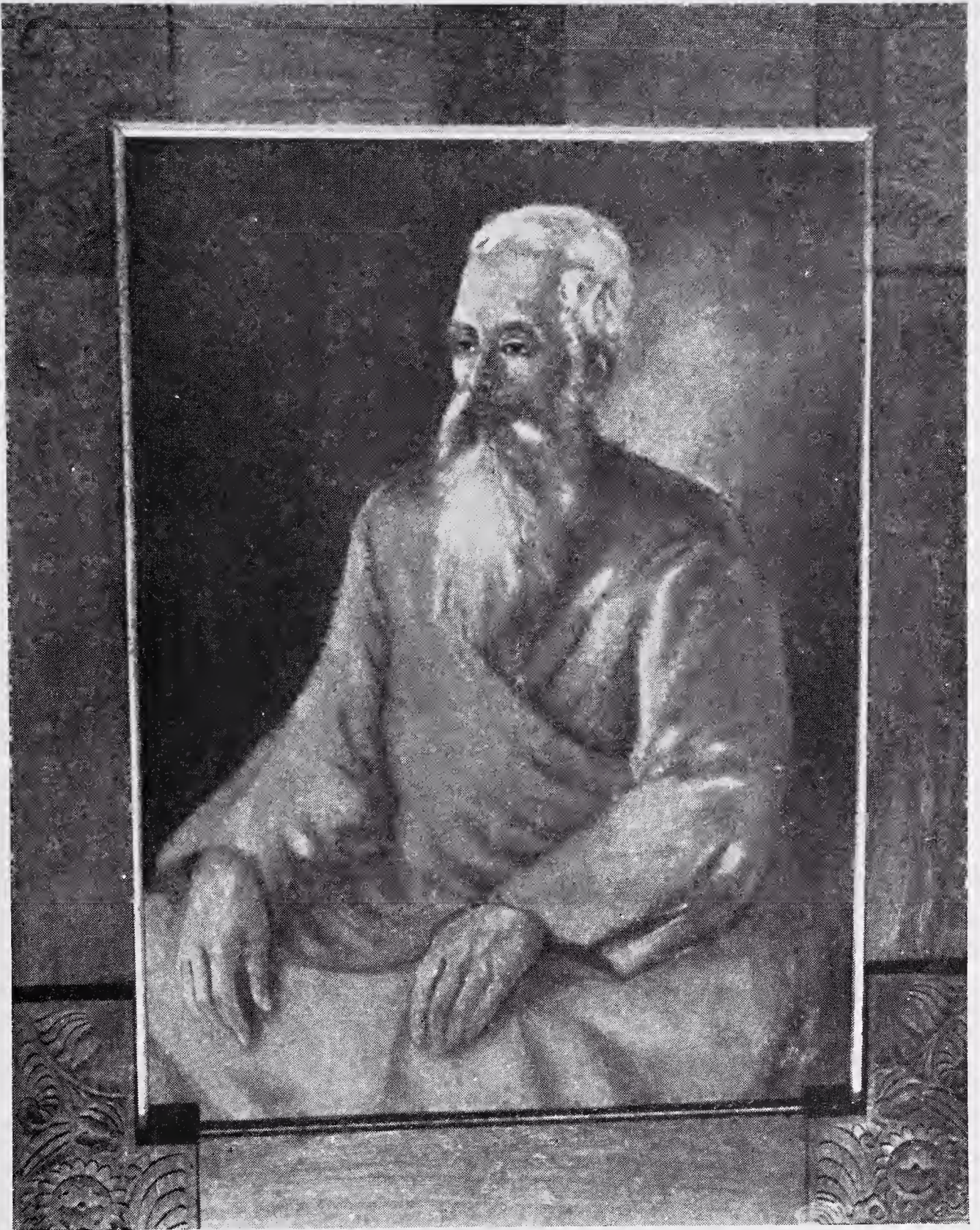
“to promote the improvement and efficiency of the British Indian Government by every legitimate means in its power, and thereby to advance the common interests of Great Britain and India, and ameliorate the condition of the native inhabitants of the subject country ;

“to make such respectful but earnest representations to the Parliament of Great Britain, in connection with the ensuring East India Company’s Charter, with a view to remove the existing defects in the laws and civil administration of this country, and to promote the general welfare and interests of its people ;

“to try for the removal of existing and prevention of proposed injurious measures, or for the introduction of enactments which may tend to promote the general interests of all connected with this country.”

At the inaugural meeting the Committee of the British Indian Association was constituted with the following members: Raja Pratap Chandra Singh, Raja Satya Churn Ghosal, Hara Kumar Tagore, Ramanath Tagore, Durga





MAHARSHI DEBENDRA NATH TAGORE  
*First Secretary, British Indian Association, 1851.*







Charan Datta, Joy Kissen Mukherjee, Harimohan Sen, Ashutosh Deb, Ramgopal Ghose, Debendra Nath Tagore—Secretary, and Degumber Mitra—Assistant Secretary.

On behalf of the Committee, Debendra Nath Tagore requested Raja Radhakanta Deb and Raja Kalikrishna to accept the Presidentship and the Vice-Presidentship, respectively, of the newly-formed Association, and they both agreed. Radhakanta Deb's letter of acceptance showed his great appreciation for the objects of the Association :

“As I cannot forego the pleasure of participating in an undertaking so laudable and conducive to the future interests and prosperity of our country, I request you to inform the Society that I shall feel myself honoured by their proposing me as Honorary Member and President of the Institution.

“The necessity of the formation of a well-organised society to represent the wants and grievances of our country before the British Parliament has too long been felt ; but it grows imperative on so momentous an occasion as the termination of the East India Company's Charter. The noble objects, therefore, contemplated by the Society cannot but receive my hearty concurrence.”

### **Beginning of a Career**

In keeping with its aims and objects, the Association started work immediately. In view of the impending renewal of the East India Company's Charter, the Committee contemplated steps for presenting a unanimous case on behalf of the country before the British authorities in England. Debendra Nath Tagore entered into correspondence with the leading persons of the Provinces of Bombay, Madras and of the city of Agra on this subject. The Committee emphasised the utility of presenting a single petition on behalf of all the people of the British territories in India to the Houses of Parliament. In the very first letter, dated December 11, 1851, the Secretary of the Association, Debendra Nath Tagore, wrote to them :

“It must be obvious to you that the representations would have great weight if they were made simultaneously by the Native of every part of British India or by a society having just pretensions to represent them. There are, however, advantages likely to flow from the union of the Native gentlemen of the other three Presidencies with the British Indian Association, which should not be overlooked.”

Early in January 1852, the Association took the initiative to prepare a petition for presentation to both the Houses of Parliament through an accredited Agent in London to be appointed on a suitable remuneration.

While the work was in progress Vishnu Moreswar Vinayak of Poona wrote on behalf of himself and others a letter expressing a desire to co-operate with the Association. Besides its efforts to make the Association broad-based, it took keen interest in every matter affecting the welfare of the common people. It may be cited as an example that the Committee conveyed to the Legislative Council their disapproval of the “Draft of an Act for the increase of Assessment on houses and abolition of the tax on carriages and horses” and also considered the Draft of the Act for consolidating and amending the regulations of the Calcutta Police.

The House Assessment and the Calcutta Police Bills were passed by the Legislative Council without allowing sufficient time for their consideration by the public, a procedure to which the Committee recorded its emphatic protest.

Further, the Association persisted in its demands for the publication of the proposed laws including Drafts of Acts relative to execution of Sudder Decrees, and the rules of practice for amendment of pleadings. The Committee also made representations to the Legislative Council on various other subjects including publication of Draft in the vernacular Gazette, and announcement of the aims and objects of new legislation on the model of the laws of 1793, and in accordance with the existing rule regarding preambles.



### "The Great Petition"

The petition to Parliament in connection with the renewal of East India Company's Charter was ready by May 1852, and the preliminary draft of the petition was circulated to its constituents. The *Bengal Hurkaru* and the *India Gazette* in its issue of May 8, 1852, carried the news supporting the Association's views for the total abolition of the Board of Control deemed to be an impediment to all progress of the country.

The Presidencies of Madras and Bombay started organisations in the model of the Association, Madras starting a branch of its own. Poona came with the Deccan Association and wanted to send a separate delegation to England to give expression to its views. But the Committee of the parent body in Calcutta emphasising the importance of joint action stated that it would be more advantageous and carry more weight in case the views are presented in a joint petition. It is particularly so when there are sure chances of the administration of all other Presidencies being moulded into one shape, it would be much better if the petition be presented to Parliament bearing the impress of unity.

From one of the reports that were regularly received from London the Association came to know that a Committee of enquiry into Indian affairs had been appointed by the Parliament. The Association took steps to submit its views through a petition dated August 8, 1852, giving an outline constitution for British India. Almost similar petitions were sent from Madras, Bombay and Poona which evoked a great interest in London and witnesses expressed broadly their approval of the Association's views. On the eve of the Charter Act some friends and well-wishers of the Indians formed themselves into a Committee in 1853, called the Indian Reform Society, to look after Indian interests.

In the monthly meeting held on May 6, 1853, the Association expressed its great satisfaction at the birth of the Society

and resolved to keep in touch through correspondence and help the Society with all information of Indian interests and also of making a contribution in appreciation of the objects and future beneficial services that it might render.

The British Indian Association organised two very big public meetings in Calcutta in 1853, one on June 26, in support of the Indian Reform Society and the other on July 29, to organise and educate opinion on the proposed Charter Act. The Parliamentary Committees examined British witnesses in England. Peary Chand Mitra, an influential member of the Committee, prepared a booklet under the caption, "Notes on the Evidence on Indian Affairs", which was published and circulated among the influential parties in England. The *Hindoo Patriot*, started on January 6, 1853, became the mouthpiece of the Association and strongly advocated its opinions on the Charter Act.

### **The Charter Act**

The India Bill was introduced in Parliament on June 31, 1853. In nearly two months the new Charter Act, with very little changes became a Statute on August 20, 1853.

The Committee of the British Indian Association examined in particular the Charter Act on the introduction of a uniform system of responsible Government throughout the whole of British India on the model of the Crown Colonies. The petitioners felt encouraged to find that their suggestions had in many cases been respected, one being that the term of the new Charter be restricted to ten years. It was gratifying to note that the Charter would not be in force for any fixed time and that it might be reviewed by the Parliament every year. It was said that

"they cannot but acknowledge that there are ample grounds for encouragement in what has been accomplished. The prayers of your petitioners to Parliament have in many instances, met with either complete or partial success in the provision of the new Act for the Government of India."



A further recommendation contained in the petition was the consideration of the Court of Directors and the Board of Control into the Board, to consist of twelve members, six of whom should be nominated by the Crown and the remaining half elected jointly by the holders of the East Indian Stock and the holders of the East Indian Company's Promissory Notes. The number of Directors had been reduced to eighteen, three of whom immediately, and six in the course of a few years, would be appointed by the Crown.

In partial acceptance of the prayer the Act provided for an increase of salary for the Directors and that the six members to be nominated by the Crown to be persons who had served at least ten years in India. It also provided that six out of the twelve elective Directors must be persons who have resided at least ten years in India. This seemed to be a sound provision inasmuch as it helped to secure Indian experience in the management of the high functions of the Board.

In deference to the wishes of the Association, the Act provided for the appointment of a separate Lieutenant-Governor of Bengal, who was to be chosen from the ablest Civil Officers of this Presidency. But it expressed regret for absence of any provision for representation of Indian Member in the Legislative Council. It further suggested that the Legislature was to be a separate body from the Executive Government, and that it would be enlarged and strengthened by the addition of men of local experience and legal training.

It clearly pointed out that the uncertainty of the provision of the Governor-General nominating one or two senior native members in the Legislative Council did not satisfy public opinion. The Association did strongly urge for making it an inviolable feature in the coming Act.

The Committee expressed satisfaction that its contention against very high and low salaries of certain grades of officers had been partially respected. As a result of the Association's

demands for amalgamation of Sudder with the Supreme Court and improvements in the administration of justice two Commissions, one in England and the other by the local Government, had been appointed to prepare a Code for judicial procedure.

The Association put special stress on the exclusiveness of the civil and scientific services. The old method of recruitment by the Court of Directors was proposed in the new Bill to be substituted by open competition in England only which persisted in the evil of complete exclusion of the natives inasmuch as they could not obtain higher grades of service "without being matriculated in Haileybury or Adiscombe". There was no dearth of native talent and their exclusion by dubious means were deemed as grave injuries to their interests and national prestige.

Notwithstanding its pre-occupation in regard to the Charter Act, the Association kept watch over all new Bills and its views were given due weight. Since December 3, 1852, the day of its first Annual General Meeting, the Association became more active and alert and no Government measures were allowed to go without proper criticism. Some of the matters such reviewed were (i) Execution of the decrees and rules of practice of the Sudder Court, (ii) Extension of Act No. XII of 1843 to Collectors and Magistrates, (iii) Law of Evidence, (iv) Law regarding Appeals, (v) Pleaders, (vi) Postal Law and (vii) Salt Law.

Initially established for three years the services rendered by the Association were deemed to be very useful. In the Second Annual Report (covering a period up to December 1853) the Association was urged to carry on agitation, as a part of its objectives, for removal of grievances that confronted the Indian people and to place its views before the Imperial Legislature through proper representations.

On January 13, 1854, in its Second Annual General Meeting, the continuance of the Association having been



approved, a fresh Committee for 1854 was formed with Raja Iswar Chandra Singh as Secretary.

The British Indian Association consisted of the landed as well as the intellectual aristocracy of the Bengal Presidency. It enlisted the support and co-operation of leaders of thought like Ram Gopal Ghose, Peary Chand Mitra, Chandra Sekhar Deb, Rajendra Lal Mitra, Shambhu Nath Pandit, Kasiprosad Ghose, Shib Chandra Deb and Hurrish Chandra Mukherjee. Among the members, there were merchants, traders, businessmen and industrialists. The foundation was thus made strong and secure. The success of the Association induced others like the Anglo-Indians and Armenians to apply for membership. But as the Association was meant exclusively for the Indians, they could not be enrolled as members.

The British Indian Association sought to forge unity among the Indian communities and the ideal was accepted and political Associations in its model began to appear in different parts of the country.

It was really encouraging to receive broad support and aid from outside particularly from the friends and well-wishers of India and the great Liberal Party of England. The India Reform Society of London greatly helped Indian interests during the discussions of the Charter Bill and the Association was glad to extend a hearty welcome to Mr. Duby Sigmour, M.P., President of the Indian Reform Society, when he toured India to collect information about the state of affairs in the country.

## CHAPTER II

### ROLE OF UNOFFICIAL OPPOSITION

The new Charter Act came into effect in May 1854 giving India a Legislative Council without a single Indian Member. The Association assumed the role of Opposition trying to get the utmost out of it and to put it on a broader basis. The Association accordingly petitioned the Governor-General on April 18, 1854, urging the following points : (1) to hold open session of the Legislative Council, (2) to get the proceedings published in the Press, and (3) to allow the accredited agents of the non-official bodies the facility of personal representation. The Legislative Council in a subsequent sitting conceded the first two conditionally but withheld the third. These concessions were "in operation" according to the Committee, "in all dependencies of the British Empire in which there are Legislative Councils."

Some sort of recognition of the services of the Association in the Government circle was noticeable through the appointment of Babu Prasanna Kumar Tagore to the post of Clerk-assistant created for helping the Government in drafting of Bills.

Babu Prasanna Kumar was a prominent member of the Association and on his retirement it passed in a meeting held on July 14, 1854, a resolution recording a deep sense of loss and appreciation of his extensive experience, ardent zeal and uncommon ability bestowed in the interests of the Association.

By the presence of such stalwarts of light and leading as Prasanna Kumar Tagore, Ram Gopal Ghose, Hurrish Chandra Mukherjee, Degumber Mitra, the Association gained considerably in stature of public importance. Its opinions based mainly on the facts of history, tradition and culture of India were sought after and accepted with due regard. It



assumed an independent role and lent support or forwarded criticism to Government Bills and measures according to the exigencies of the case.

### **Era of Legislation**

With the new Legislative Council there came a spate of new laws covering various aspects of Indian administration and in 1854 more than a dozen were placed on the Legislative anvil. The Association kept abreast of the time and suggested improvements particularly in the judicial sphere.

The supervision of the Embankment Bill met with opposition from Hughli, Burdwan, Midnapore and Twenty-four Pargannas on the grounds of encroachment on lands, demolition of buildings and blocking of free passage. The evil effects of the union of executive with judicial authority in the hands of the officers employed for the superintendence of the embankments of the Damodar and other streams did not escape their notice and they represented the case in a suitable manner to the Government.

There was further legislation in the years 1855 and 1856. Some of the Acts were of far-reaching consequence, and the Association showed critical attitude towards them. It gave suitable lead to the popular demands and complaints. In this connection (i) the Chowkidari or Local Police Act and (ii) the Calcutta Municipal Act deserve special mention.

#### *(i) The Chowkidari or Local Police Act*

The law of 1851 for the suppression of dacoity, etc. was replaced by the Chowkidari or Local Police Act of 1855. As a result of popular opposition including that of the Association the Bill was abandoned. A subsequent Bill without some of its old features was also objected to on the ground *firstly* that the Bill proposed new taxation on the basis of landed property, and *secondly*, the village Panchayet was being entirely controlled by the Magistrates. On November 6, 1856, on the eve of the final passage of the Bill, the Association

prepared a Memorandum which contained exhaustive information regarding the age-old Panchayet system of the country. The Committee also stressed the value and utility of the village watch with practical suggestions.

The Committee concluded its petition with the prayer that

“the system of village watch and other customs and institutions that tend to help in the growth and maintenance of village self-government is to be aided by all means.”

These prayers went unheeded and the Chowkidari or Local Police Act was placed on the Statute Book later in 1856.

### (ii) *The Calcutta Municipal Act*

Being situated in Calcutta naturally enough the Association took special interest in its affairs. Nothing in particular happened till 1852 when somewhat of a Municipal Board was formed. In 1854, the Association offered some practical suggestions for reconstitution of the Municipal Board. In 1855, the Bill to provide for the better lighting of the town of Calcutta came up for second reading on August 4, which included a proposal to levy a tax on account of the introduction of gas-light in some of the streets of the city. The Committee of the Association while taking serious objection to this provision criticised strongly the contents of the Bill and put stress on the unhealthy condition of the city.

A Committee appointed in 1856 had submitted its report in January 1840. During these last 15 years none of the measures suggested by this Committee for the improvement of Calcutta, including one for improved drainage system had been implemented. The Committee of the Association therefore categorically wanted the Government to adopt measures for reformation of the system of drainage, ventilation, control of diseases and improved supply of good drinking water. To meet the costs the Committee suggested the issue of Govern-



ment loan, and to cover interest thereon, the municipal assessment to be raised to the maximum under the law.

Some of the recommendations were incorporated in the Act passed in 1856 for the municipal improvement of the Presidency towns in India, especially Calcutta.

### **Other Matters of Public Importance**

Whether invited or not the Association did not allow any matter of public importance to pass without discussion and criticism and in this way it acted as opposition in the Councils of self-governing countries.

Early in 1855, the Government of India adopted a Resolution for extensive public works programme which was welcomed by the Association. At the monthly General Meeting, on March 23, 1855, Babu Joykissen Mukherji suggested that a sketch and detailed account of all projected works should be published. Babu Romanath Tagore (later Maharaja) suggested the formation of a Board of Europeans and Indians to be associated with the management of the public works fund.

In the mid-fifties the subject of a bridge over the Hooghly was placed before the public. The Association, on invitation, indicated preference for Howrah to Salkea for the purpose.

Members of the Association interested in the spread of education established schools from primary to higher standards in towns and villages in Bengal. The working of the educational policy of the Government contained in a despatch of Sir Charles Wood came up for discussion before a monthly meeting of the Association on July 27, 1856. The Association voiced its opinion against high cost of education and neglect in the teaching of Sanskrit. This was specifically pointed out that foreign Universities had made it a point to introduce Sanskrit as a subject for study while it was being neglected in its own land. The other drawback of the Bill that no new schools could secure grants-in-aid was pointed out by Joy-

kissen Mukherji, a great educationist and promoter of education, which needed rectification. The Association's efforts in 1856 to put a check on the deterioration of the condition of the ryots, by influencing Government, could produce no effect.

### **Petition to Parliament**

The working of the Legislative Council for eighteen months proved the defects and short-comings previously pointed out by the Association and on April 8, 1856, it forwarded two petitions to the two Houses of Parliament on the Reconstitution of the Legislative Council, and also on—

- (a) holding of examination in this country for admission into the Civil Service, and
- (b) abandonment of State monopoly in Salt.

### **On Reconstitution of the Legislative Council**

The preamble of the petitions made a reference to the firm conviction of all classes of Indians that "the present Legislative Council" is but the first step "towards formation of a deliberative body which shall possess all the requisites of a constitutional legislature."

The following defects were then discussed :

- (i) there is no scope for representation of the views, wishes and wants of the people ;
- (ii) insufficient opportunity for conducting the business of the House ;
- (iii) inadequacy of member for proper handling of all points coming before them ;
- (iv) complete exclusion of non-official elements ; it being constituted exclusively of paid servants of the Crown or of the Crown's delegate, the East India Company.

The Committee refuted in the strongest terms the suggestion of unfitness of Indians for political freedom or that rivalry



amongst Indians themselves was standing against national improvement.

It was strongly contended that the natives of India, although slow to agitate or to make any organised resistance, are deeply sensible of the value of political freedom. They feel degraded by any badge (real or imaginary) of political servitude, especially when they contrast it with the happier lot of their fellow-subjects, natives of the soil of Britain.

The petitioners asked for some provisions to be made early

“for duly representing whether by appointment of the Governor-General, by nomination of the Legislative Council itself, or by some carefully graded electoral scheme the various classes and interests of India which are now going wholly unrepresented ; it is needless to particularise the landed, the commercial, and the industrial interests throughout the vast regions and among the numerous races of India.”

### **Civil Service**

The Committee of the Association emphasised as early as 1856, the importance of admitting Indians into the service, and to give them a proper share in the administration of their mother country which to them was likely to strengthen our struggle for freedom from within. The Association submitted a representation to the Board of Commissioners responsible for conducting the Civil Service Examination on the subject in November 1856, detailing the various handicaps especially the one that necessitated the Indians to go to England for the purpose of sitting for the examination.

Thus between hope and despair the years passed on to 1857.

## CHAPTER III

### (A) YEARS OF STRESS

#### **“The Black Act”**

The law nicknamed as “Black Act” by the Europeans because of its provisions for doing away to a large extent with the advantages in the Courts of Justice enjoyed by them was vehemently opposed by the interested party when in 1857 a Bill was proposed to be introduced in the Legislature. The previous efforts of Bethune in 1849 to remove discriminations had failed and in 1857 the Bill did not stand a better chance of success. The leaders of the British Indian Association could not but condemn the racial arrogance of the British residents in India and lend support to the just measure brought before the Legislative Council.

A public meeting was organised by the Committee of the Association in the Town Hall, Calcutta, on April 6, 1857. The meeting was presided over by Raja Kali Krishna, Vice-President of the Association, in the absence of the President, Raja Radhakanta Deb. In a letter to the organisers of the meeting, Radhakanta wrote that the draft Bill before the Legislative Council of India, “refers to the extension of the Criminal Jurisdiction of the moffusil Courts to all classes of Her Majesty’s subjects without respect to religion, race or place of birth.” He also dwelt at length, on the nature of the disabilities the Indians had been suffering from the present state of the Law, which was to the effect

- (i) that the British subjects unlike the native and other European subjects, when charged with a criminal offence, are exempted from the jurisdiction of local authorities ;
- (ii) that the process involved in criminal proceedings against such British subjects are so complicated and



expensive that it was impossible to proceed against them allowing them to commit crimes with impunity ;

- (iii) that punishment for petty offences in moffusil Courts are rendered nugatory by a *writ of certiorari* into the Supreme Court.
- (iv) that even a co-accused with a British subject cannot be proceeded against without a reference to the Nizamat ;
- (v) that he is immune of any interrogation by a Magistrate.

In such circumstances the Act as presented should be strongly supported because of its provision for doing equal justice to all classes of Her Majesty's subjects.

The meeting was addressed by Raja Pratap Chandra Sinha, Dr. Rajendra Lal Mitra, Babus Degumber Mitra, Kishory Chand Mitra, Ramanath Tagore, Joykissen Mukherji and several others. George Thompson, who was in Calcutta at that time also lent his whole-hearted support to the object. Dr. Alexander Duff, the noted Free Church Missionary, in a letter to the meeting, condemned racial discrimination in the administration of justice in unequivocal terms. Several resolutions were adopted welcoming the Bill. But while enjoying such wide support, the Government had to drop the Bill for unknown reasons.

### Other Activities

The British Indian Association acted in close co-operation with the Government. The Committee sent in April 1857, a memorial to Her Majesty suggesting amalgamation of the Supreme and Sudder Courts of Calcutta, as also reform of the Zillah Courts.

The Association offered constructive criticisms on important measures or Bills that were before the Council or Select Committees. One such measure was the "Bill for the Incorporation and Regulation of Joint Stock Companies and other Associations, with or without limited liability of the members thereof." The Committee of the Association suggested to the Legislative Council inclusion of banking corporation and insurance societies in the Bill in order to enlarge its scope.

The Association hoped that the extension of the principle of limited liability would give encouragement to the formation of Banking Companies. It also argued

"that the high rate of interest exacted under the Mahanunny system does not represent the real value of money, nor is a fair charge for the use of another man's capital, but is kept up partly by custom, partly by the risks attendant upon that sort of transactions, but chiefly by the difficulty which the borrower finds, after once receiving an advance, to extricate himself from the accumulating demands of his creditor ;

"that the rapid increase of commerce and the extension of cultivation and all industrial pursuits in late years, has rendered the demand for increased capital extremely urgent, while the absence of a mode of investment at once profitable, safe and not calling for such personal exertion in management, prevents hoarded capital from flowing freely to the aid of commerce, agriculture and other pursuits ;

"that there is a large number of persons who are owners of sums of money which they are willing to employ so that the employment does not involve indefinite risk and entail much care and labour. The means for such investment and employment of capital would be afforded by the establishment of Banking institutions upon principles of limited liability."

### **The Mutiny**

Meanwhile the "Sepoy Mutiny" broke out on May 10, 1857, and spread like wild-fire throughout Northern India. The Government were literally taken by surprise. The



Europeans with the help of newspapers under their management opened their campaign against all those who were supposed to go against their interests. Lord Canning took the first opportunity to have a Press Act passed by the Legislative Council on June 13, 1857, and caused his Government to demand an explanation from the Editor of the *Friend of India* for violent effusion in its columns. The sincere efforts of Lord Canning were looked upon with disfavour by the Europeans in India and several others criticised them at home.

A general discussion on the activities of non-official Europeans, the measures of the Government under Lord Canning and the criticism in Great Britain was held in the monthly general meeting of the British Indian Association on July 25, 1857. The main resolution of the meeting expressed concern over the attempt to disarm the native population. As there had been no signs of disloyalty towards the Rulers and that their good faith had never been in question the action would tantamount to expression of distrust which the Association would like to prevent by appealing to the Government.

In a resolution the Association eulogised Lord Ellenborough and Lord Canning for their advocacy of the principles of non-interference with the religions of this country by the Government of India.

### **Honorary Magistrates and Indigo Planters**

While extending general support to Lord Canning's policy there had been differences where they should be. The plan for arming the Indigo Planters with the power of Asstt. Magistrates with effect from August 1, 1857, was not approved by the Association for the simple reason that the relations between the planters and the ryots had been most unsatisfactory.

In the face of its opposition the indigo planters of Nadia and Murshidabad were appointed as Asstt. Magistrates, and the Association lodged an emphatic protest against this to the Government through a letter on August 29. It referred to

the principle of the Government hitherto meticulously followed in the administration of British India that no public servant should carry on business for profit while holding office. And 'in the case of officers holding judicial authority it has been declared that coming under any sort of pecuniary engagements with persons within their jurisdiction, shall incapacitate them for office'.

The Association questioned the legality of the measure as it was introduced without the sanction of the Legislature. It also explained its invidious character as the appointments were confined to one particular section of the community.

The points were accepted by the Government which stated in their reply dated September 20, 1857, that it had been introduced as an experimental measure. Within six months, instances of serious miscarriage of justice and oppression began to come to the notice of the Association which discussed the matter in its meeting of June 25, 1858. The repercussions of such acts on the fair name of the administration of the Indigo disturbances of 1860 were attributed largely to the malpractices perpetrated on the ryots by the Planter Magistrates of the Government.

The magisterial experiment continued for a little longer. The miseries of the people knew no end. This ruthless oppression and miscarriage of justice were not a little responsible for the Indigo disturbances of 1860 in Bengal.

### **From 'the Company' to the Crown**

The Mutiny brought out very glaringly the shortcomings of the Company's rule before the British public and these were to be removed by the introduction of the India Bill of April 1858, purporting to abolish the Company's rule and taking over the administration under British Crown.

The Association supplied whatever information was necessary in the matter that would be helpful to the supporters of the Bill.



The Government of India was transferred formally to the Crown by a Royal Proclamation issued from Allahabad on November 1, 1858, by the Governor-General Lord Canning under the command of Her Majesty Queen Victoria. But as no change was effected either in the constitution of the Legislative Council of India or in the character of the Government, the duties and responsibilities of the Association towards the fellow-citizens became more pronounced.

### Miscellaneous

Arbitrary municipal assessment, Court of Wards, educational measures, public works and corporal punishment and similar other matters of social importance, came under discussion of the Committee of the Association. Once in 1858, the Sanskrit College was threatened to be abolished, and the Association protested strongly against this. The Association mooted a subject in 1858 of far-reaching importance. The Committee reported to the monthly general meeting of the Association, held on August 28, 1858, that it had recommended to the Legislative Council the enactment of a law for the registration of Associations not established for gain or profit which would give them power to sue, and be sued in the name of the Registered Officers. Such a measure had already been recommended to them by the Select Committee on the Limited Liability Bill. It should be said here that a similar appeal was made to the Government by the Council of the Calcutta Public Library, whose Librarian, Peary Chand Mitra, was a most influential member of the Association. This movement for the enactment of such a measure was successful in 1860, when a law to this effect was passed under the name of Societies Registration Act XXI of 1860.

Some widening of the sphere of the Committee's activities round 1858 should be noticed here. Kristo Das Pal, then a youngman of twenty, was added to the Committee as its Assistant Secretary. The subsequent career of Kristo Das Pal as Secretary of the Association and Editor of the *Hindoo*

*Patriot* showed that he was a great acquisition to the Association.

The Association had hitherto occasionally published in Bengali and English the report of its activities for public enlightenment.

The Association had launched on a successful career. As years rolled on, its utility by now deemed indispensable. The Association had its spokesman in England in the Indian Reforms Society, which was also doing useful work under the guidance of that great Parliamentarian, John Bright.

## **(B) ERA OF REFORM AND RECONSTRUCTION**

### **New Set-up**

The aftermath of the Mutiny had been too severe for the country to repair the damages soon. The transference of power from the Company to the Crown did not produce appreciable effect. Each institution, the courts, the Legislature, etc., left many things to be desired and done. The civil service—an exclusive preserve for the Britishers created a void between the administrators and the public. The shortcomings in its many phases had had to be tackled for solution and the Government boldly needed some body to present the popular view to them. The British Indian Association imbued with the spirit of service to the people took upon themselves this onerous role.

### **Petition to Parliament**

The first things that received the attention of the British Indian Association were the Legislature, the Judiciary and Civil Service. Through suitable petition submitted in 1859 and 1860, they touched upon the essential aspects and values of life such as Education, Land Tenure, Courts, Legislative Council, Religion, etc. Now that a new situation had arisen after the transfer, it again formulated its demands in the form of petition to the Houses of Parliament. One was sent in 1859, regarding reform of Legislative Councils, Courts, Civil



Service, Education and Land Tenures. In the petition of 1860, Religion was added to these items. In England there arose a religious party in 1859, which decried the policy of religious neutrality pursued in India and wanted to extract some concessions in favour of Christianity. This move was condemned at a meeting of the Association held on February 21, 1859.

It is needless to say that particular stress was put on the reform of the judiciary, the crying need of the hour, suggesting amalgamation of the Supreme and the Sudder Courts and reform of the mufasil courts both civil and criminal.

The unrepresentative character of the Legislative Council had been criticised since its introduction. The Association repeated its demands through a petition in 1860 that 'obvious and complete measures be taken to secure in the local Legislature a right knowledge and appreciation of the people and their wants, and how those wants may be most wisely supplied, and to this end, that there be in the Council various conditions of men, not one alone.' The present petition *inter alia* referred to Her Majesty's Judges, as legislators who had exceptional merit but no representative character, and condemned the attempt to impose legislative functions on the judiciary. It was suggested that "representative Association or some delegated Assembly, representing all material interests, might elect a Law Member, as well as other Mmembers, on behalf of the people ; and that such members should be paid as the members of Government now are."

The petitions were presented to the House of Commons by no less a person than John Bright, who was also the President of the India Reform Society, which served as a mouthpiece of the Association for presenting matters of Indian interest.

### **New India Bills**

The petition of the British Indian Association and the endeavours of the India Reform Society induced the British

Government to forge three new Bills known as the “New India Bills” in 1861 bearing on (1) the Legislative,—the Councils Bill, (2) the Judiciary—the High Courts Bill, and (3) the Civil Service—the Civil Service Bill. It may be noted that these were more or less on the lines hitherto suggested by the Association and at least the first two incorporated most of the liberal views expressed by it. As regards the third proposal, the extension of competitive examinations to the Presidency Towns for the benefit of persons of Indian parentage, did not receive due attention.

Though the changes were not upto expectations the Association at its meeting held on October 21, 1861, accorded to them its qualified support.

### **Wilson's Taxation Scheme**

For the purpose of reimbursing the exchequer depleted by the ravages of the Mutiny and to meet the growing cost of development, Mr. James Wilson of Government of India suggested scheme for exploring new sources of taxation which was placed before the Legislative Council on February 8, 1860. It laid down two categories of taxes. The first included a License Tax without limit of time, at four different rates, from Rupee one to Rs. 4 for different categories of business men and traders. The second was an Income Tax, for five years, of 2 per cent to affect all incomes exceeding Rs. 200 annually, or Rs.  $16\frac{2}{3}$  per month; of 3 per cent, to affect all income above Rs. 500; and a permanent Income Tax of one per cent, to affect all income, exceeding Rs. 500 or Rs.  $41\frac{2}{3}$  per month for local or municipal purposes.

The publication of Wilson's Taxation Scheme was vehemently opposed by the Association, on the score of absurd proposals of bringing even a very small income under its purview. Moreover, it violated the solemn covenant of the Permanent Settlement as it included the land income of the permanently settled properties. The Association did not remain satisfied by merely opposing the proposals through



literature and propaganda sent even amongst the mofussil members. It submitted some alternative sources of taxation, viz., (i) Revision of the Tariff, (ii) Increased Abkari Duties, (iii) Salt Tax, (iv) Stamp Duties, (v) Readjustment of Opium Prices, (vi) Sale of Khas Mahals, (vii) Sale of Waste lands, (viii) Settlement of Inam Tenures in Madras, (ix) Government Paper Currency, and (x) Impost on River Fisheries.

The opposition failed and the Bills were passed into law. The Association as a last measure waited upon Lord Canning in a deputation on July 4, 1861. The relief secured after such efforts was rather negligible.

### Acts and Measures

The Arms Act of 1857, introduced as a temporary measure was sought to be made permanent in 1860 with a clause for discrimination in the use of arms between the Indians and Europeans. As a result of the opposition of the Association this offending clause was deleted.

The District Court had a very limited power of dealing with European accused in criminal cases. By the introduction of "Exemption Law" the authorities wanted to deprive the courts of this small power. This was also opposed in its meeting of September 21, 1859.

The Petty Jury system in which the Europeans were invariably tried with the help of European Jurors was attacked by the Association. In this effort it had the support of Sir Charles Trevelyan, the Governor of Madras.

Sir Charles incurred further displeasure of the Government by supporting the move for amalgamation of the Supreme and Sudder Courts and he was telegraphically called back home in June 1859. The Association in its meeting dated June 13, 1860, passed a resolution in appreciation of Sir Charles's services to India.

The experiment of indigo planters acting as Magistrates though ended in 1859, yet it left a trail of planters influencing

judgment of their erstwhile 'colleagues' and administration of justice became a negation in moffusil courts. There was mounting opposition from the public in which the Association joined and an Act was hurriedly passed on March 31, 1860, in which any breach of contract was to be treated as a criminal offence. The redeeming feature in this ugly Act was the announcement of a Commission to go into the causes of very grave unrest among the ryots.

The Association at once directed attention towards the Commission on which its representative Chandra Mohan Chatterjee acted as a member. In the recommendations the Commission confirmed the line taken by the Association. In order to dispense justice to the remotest parts of the country the districts were redistributed, a number of sub-divisions were newly formed, the number of Civil and Criminal Courts were increased enabling the smallest injustice being quickly punished. It should be mentioned here that in the Indigo Struggle, one of the prominent members of the Association, Hurrish Chandra Mukherjee, supported the cause of the peasantry with a zeal rare in those days. He opened the columns of his paper, the *Hindoo Patriot*, which was again the unofficial organ of the Association, for giving publicity to the woes of the ryots and misdeeds of the planters.

For the offence of taking up the cause of the ryots Hurrish Chandra and his paper the *Hindoo Patriot* got involved in a defamation case instituted by the planters. During the course of the trial Hurrish Chandra died on June 14, 1860. The damages awarded by the court were sought to be realised from the widow of the deceased Editor, which was duly paid. The paper somehow survived the shock through the help of Pandit Iswar Chandra Vidyasagar and some influential members of the Association including Kali Prasanna Sinha.

The vendetta of the planters followed the track of Rev. James Long the translator of a Bengali drama NIL-DARPAN depicting the brutalities of some of the planters. The libel



suit instituted against Long ended in a fine of Rs. 1,000/- or a month's simple imprisonment. The Association through its members Raja Pratap Chandra Singh bore the expenses involved and Kali Prasanna Singh paid the amount of fine.

In the course of preparation of the draft of the INDIAN PENAL CODE coming into effect from January 1, 1862, and the Criminal Procedure Code, Act V of 1861, the Committee of the Association advanced constructive suggestions some of which were readily accepted. These related mostly to the Chapters on preliminary rules for enquiry, execution of warrants and search warrants, the examination of prisoners and witnesses, etc., etc. Trial by Jury was conceded the Local Government being invested with the discretion of extending it to particular districts. The Committee, however, noticed certain defects in the law and commented as under :

"No amendment has, however, been made in respect to the want of jurisdiction of Mofussil Courts over European British subjects, the admission of appeal has been left absolutely to the discretion of Appellate Court on the simple perusal of the petition of appeal without reference to the proceedings, thus frustrating the fundamental objects of appeal ; and the rules respecting the release of prisoners on bail in appeal continues unaltered in effect."

During this period Bills were framed and passed into law on the recommendations of the Police Commission and the Calcutta Municipal Commission. The views expressed by the Association to the Police Commission on village watch was accepted by the Government. The Association continued to voice its opinion, as in the past, for the separation of the judicial and executive function of the Magistrates and this was effected by Act V of 1861.

The Municipal Commission meant for better civic administration of Calcutta through the creation of a Municipal Corporation did not have any representative of the Association on it. The efforts of the Association were successful and Degumber Mitra was accepted as a member.

The Municipal Commission was presided over by W. S. Seton-Car. It submitted its report on August 31, 1861, with the following recommendations: (1) the existing Municipal Commissioners (under the Act of 1856) to be substituted by a Central Board, consisting of six members, with the Commissioner of Police as President, (2) creation of six Local Boards with honorary members, (3) to have control of merely local works, and (4) the Central Board to provide funds for the whole scheme and also to direct all works of general utility to the population of the city. The recommendations were accepted and the proposed Bill was presented before the Council early in 1862. Thus the seeds of future independent Corporation with a democratic constitution were sown in which Degumber Mitra, the representative of the Association, had a large part to play.

### **Judge's Race Prejudice**

The Association grown strong through experience and hard work now would not allow anything derogatory to the self-respect of the people to go unchallenged. The disparaging remarks by Sir M. L. Wells, a puisne Judge of the Supreme Court, on the character of Indians were seriously resented. The Association convened a mammoth meeting at the *natmandir* of the Sovabazar Rajbati, Calcutta, under the presidentship of Raja Radhakanta Deb, President of the Association, on August 26, 1861. The main resolution passed at the meeting ran as follows:

“This meeting desires to record not without regret that its confidence in the Hon'ble Sir M. L. Wells, Kt., as a Judge of the Highest Court of Judicature in Bengal, has been impaired in consequence of his frequent and indiscriminate attacks on the character of the natives of this country, with an intemperance inconsistent with the calm dignity of the Bench as well as from his repeated and indiscreet exhibition of strong political bias and race prejudice, which are not compatible with the impartial administration of justice.”



The Association did not rest here. On behalf of the meeting as also the people of Bengal, it sent a memorial under twenty thousand signatures to the Secretary of State for India, Sir Charles Wood. It produced immediate effect and Sir Mordant was severely reprimanded.

### **Famine in N.W.F.**

A notable instance of social service may be cited in respect of famine in N.W.F.P. in 1860. Funds collected from branches all over India as also from friends outside were sent for relief to the affected area. It proposed land reform through the appointment of a Committee with a view to prevent recurrence of any future famine.

### **Epidemic Fever**

The Association took up the cause of the people of Barasat (Nadia) affected by a severe type of epidemic fever. On its recommendations doctors were sent to the affected area.

### **Domestic Affairs**

The Association suffered serious loss in the demise of two of its most prominent members—Hurrish Chandra Mukherjee, who passed away on June 14, 1861, and Raja Issur Chandra Singh in April 1861. Their demise were deeply condoled in meetings held for the purpose.

The popularity and usefulness of the Association were widely felt and several others were organised in its model—one such was the Oudh Talukdar's Association founded in 1861 by Raja Dakhinaranjan Bose, a prominent member of the Association.

Membership grew in number from all walks of life and of those the names of Mr. W. C. Bonnerjee and Babu Shambhu Chandra Mukherjee, a famous journalist, deserve special mention.

## CHAPTER IV

### THE ONWARD MARCH

#### The Legislative Council

To the first Council was nominated three Indians of great eminence without any representative character. The Association was not satisfied with the arrangement. Moreover, in the Annual General Meeting held on January 29, 1862, non-representation of Bengal in the Supreme Council was declared an act of injustice as also a great disadvantage to both the Government and the people.

By 1862, Bombay and Madras got their Legislative Council which had been taken away by the Charter Act of 1833. It was now time for Bengal to have one with twelve Councillors one-third of which would be drawn from non-official sources. The Council came into being on January 18, 1862, with two of the non-officials from the Association. Subsequently Ram Gopal Ghose, the great patriot and orator, was also nominated.

The powers of the Councillors were extremely limited ; they could only participate in the debate and could do nothing else, such as putting questions, voting, etc. The only saving grace was that the public were allowed to watch proceedings of the Legislature.

#### The High Court

By this time the Supreme Courts and the Sudder Dewani and Sudder Nizamat Adawlat were amalgamated and High Courts were established in each of the provinces.

The High Court of Calcutta was inaugurated on July 1, 1862, with fourteen Judges of which one was to be an Indian. Ramaprosad Roy, the Legal Remembrancer, was selected but before he could sit on the Bench, death removed him on



August 1, 1862, making room for Sambhu Nath Pandit, a prominent member of the Association. The Association in a general meeting on December 31, 1862 offered felicitations to Sambhunath Pandit. It congratulated itself on the establishment of the High Courts especially that of the High Court at Calcutta.

A long-standing practice of publishing the judgment of the Supreme Court was discontinued on the establishment of High Courts. The protest of the Association to this procedure proved effective.

A Bill was introduced in the Legislative Council in 1865, for the establishment of Circuit Courts in the moffusil for the trial of European British subjects resident in Indian States, which was to be presided over by a Judge of the Calcutta High Court. It at once became apparent that the practice of European British subjects being tried by their own kin was going to be abolished by this method. The Association, therefore, welcomed the Bill as an innovation long desired.

### **Local Self-Government**

It was the view of all right-thinking men that training for self-government was to be had through municipal administration. When it came to be known that there would be legislations for reconstitution of the Calcutta Municipality and introduction of Municipalities in moffusil towns, the Association began to take keen interest in the matter and offered its suggestions at the Select Committee stage.

A Bill in modification of a previous one was introduced in 1863 and passed into law on July 1, 1863. The Calcutta Corporation was remodelled accordingly. Justices of the Peace, about 129 in number, spread all over Bengal, Bihar, Orissa and in the city of Calcutta, were eligible to sit on the Calcutta Corporation. Among Justices of the Peace appointed by the Lieutenant-Governor of Bengal were : Moulvi Abdul Latiff, Kumar Barendra Krishna Deb, Chandra Mohan

Chatterjee, Degumber Mitra and Peary Chand Mitra. The Association had the largest share in these appointments. The new Act came into operation on July 1, 1863. All the executive authority of the Corporation was vested in the Chairman. But the Justices of the Peace exercised a large measure of financial control. The number of J.P.'s being rather large, the working of the Corporation suffered to a degree. It was, therefore, decided that only those, about twenty-five, specially selected by the Lieutenant-Governor, should be treated as members of the Corporation. Moreover, as the proportion of Indian Justices of the Peace in relation to the Indian population was small, their number was increased on the representation of the Association.

### **Taxation and Finance**

The leaders of the Association continued their agitation against the Income Tax throughout the period of five years for which it was enacted. The financial statement of Samuel Laing for 1862-63 was submitted to the Supreme Legislative Council on April 14, 1862. In its meeting on May 31, 1862, the Association expressed satisfaction and recorded that it disclosed most cheering results. The deficit was successfully wiped out and a surplus of nearly a million and half was shown, taxes were remitted or diminished, the cash balances were in fully buoyancy, and measures of economy were in unabated progress. Additional and ample encouragements were held out to the promotion of public works, education, science and arts, while the import duties were considerably reduced, and two-thirds of the payers of the Income Tax exempted from it.

The agitation against Income-tax, conducted by the Association for the last two years had been considerably successful. The financial devolution as suggested by Mr. Laing between the Secretary of State and the Government of India was to open a new chapter in the economic progress of the country.



The Committee of the Association recorded its "acknowledgment of the services of the Military and Civil Finance Commissions particularly of Colonel Balfour, the late Chief of the Military Finance Department." As a consequence of its recommendations, the Military expenditure was considerably reduced.

The minimum for exemption from Income Tax was raised to Rs. 500 (from Rs. 200 p.m.) but total abolition was effected by Sir Charles Trevelyan as Finance Minister of Government of India.

Trevelyan's budget for 1863-64 showed a surplus after many years of deficit. He applied this to a partial reduction of taxes, and to increased grants to public works, education and judicial administration. The Association noted with satisfaction reduction in the incidence of Income Tax and expected a total relief in the near future. The Finance Member expressed his desire for further reduction of the Military Expenditure. He also declared the termination of Government monopoly of Salt from 1863.

The Income Tax Act was to have been abolished in 1865-66. In the meantime the Association submitted a memorial to the Governor-General of India pointing out the imminent cessation of Income Tax. Two more subjects were stressed in the memorial, namely (i) financing productive public works by loans and (ii) the possibility of making a slight addition to the Salt Tax in case of any deficit. The Government made provision in the Budget for the discontinuance of the Income Tax after the expiry of the scheduled period of five years.

The proposal to impose a tax on tobacco was opposed by the Association ; its points were accepted and the idea was ultimately abandoned.

### **Fever : Epidemic and Endemic**

The scourge of the great Epidemic Fever continued and caused devastation in some of the populous villages in Nadia. Hooghly and Barasat. Accepting the suggestions of the Association, the Government of Bengal caused an enquiry as to the incidence of the Epidemic throughout the area. On March 30, 1862, the Government invited in writing the co-operation of the Association, financial and otherwise. The Association did not lag behind. Through an appeal to its constituent members, it collected Rs. 11,137 and remitted the amount to the Government. As to the cause of the epidemic the Association held that it was all due to defective drainage partially caused by extension of railways indiscriminately affecting the natural water courses and causing water logging almost everywhere.

A thorough investigation into the causes was invited and in a further note it stated that it was inclined to attach greater importance to the construction of proper drains, railway tracks with drainage on either side, and the digging of new tanks, the deepening of old tanks for the supply of pure drinking water in preference to clearing of jungles and shrubs though necessary as a subsidiary measure.

The Government were forced under pressure of public opinion, to appoint a Committee popularly known as "Fever Commission" to go into the matter in all its aspects. The Association was invited in a letter dated January 7, 1861, to select a member of the Commission (of five) and Degumber Mitra was the nominee for the purpose.

### **Inland Emigration Act**

On the recommendations of a Committee appointed to report on the methods of labour recruitment for tea gardens the Government prepared a Bill to meet the requirements. The Association took exception to some of the provisions of the Bill and on the ground that the licensing, the contractor



and the recruiter, is likely to give them an authority which they will by no means be scrupulous to abuse. According to the Association the utmost caution need be so taken that in no respect the Government might become identified with Planters in the eyes of the people.

The Government brought before the Legislative Council a fresh Bill, named the 'Labour Contracts Bill' in early 1865. The Association protested against some of the undesirable provisions of the Bill. To mention only one, 'Section 30 authorised the planter or his servants to seize any labourer accused of desertion from the plantation wherever he might be found, without procuring a warrant and without the assistance of any Police Officer.' The Association remarked that 'it was a wholesome principle of law that no man's liberty should be at the mercy of another, but under colour of this provision the peon of the planters in Cachar, Assam or Sylhet might seize any person in any part of the country charging him with desertion from the plantation of his master.' The Bill was passed into law without any amendment of the most dangerous provisions. Act III of 1863, together with that of 1865, was no better than a penal measure, which reduced the tea garden labourer to virtual serfdom.

### **Agricultural Exhibition**

The first agricultural exhibition was organised by the Government under the inspiration of the Lieutenant-Governor, Sir Cecil Beadon. On invitation, the Association offered its active support by issuing circulars to the zemindars and institutions to wholeheartedly participate in the exhibition by collection of materials and in every other way. The Association at a meeting held on November 25, 1865, resolved to place Rs. 500 at the disposal of His Excellency to be awarded to all those who needed encouragement for further improvement in livestock and local products. The Exhibition was opened at Alipore on January 18, 1864, by Sir John Lawrence, the Viceroy. The articles exhibited were (1) Livestock, (2)

Machinery and implements, and (3) Local produce. The general interest taken in the Exhibition was proved by the numerous exhibits from different parts of Bengal and from many other centres in India, as well as by the great concourse of all classes, European and Indian, who visited the exhibition. The contribution of the Association in rousing the interest of the mofussil people and of those who were generally interested in an Agricultural Exhibition was universally recognised. The Government of Bengal awarded a medal to the Association as a token of appreciation of their valuable help in organising the exhibition.

A good deal of interest was created in public minds towards agriculture and attempts to organise exhibitions in the same line were noticeable in many parts of Bengal.

Further suggestions came from prominent people for proper education in Agriculture and the Government also displayed some interest in the matter. The Association advocated (i) teaching in colleges of those branches of science allied to practical agriculture, and (ii) establishment of agricultural teachership in vernacular schools. Though nothing tangible happened at the time, the interest created by the exhibition gained momentum as days went on.

### **The Burning Ghat**

From a sanitary point of view Sir Cecil wanted the Calcutta Corporation to stop cremation of dead bodies within the city limits and on the banks of rivers and suggested removal of burning ghats at Nimtollah and Cossipore to a place where Tollysnullah meets the Ganges. This was opposed by the public when the matter was referred to the Corporation. On March 7, 1864, the Corporation convinced by the arguments of Ram Gopal Ghose refused to oblige His Excellency. Sir Cecil wanted to pursue his plan and the Association opposed it through a memorial to the Governor-General-in-Council paying special stress on the adverse effect



of encroaching upon the religious feelings of Her Majesty's subjects. Their contention was upheld. But soon a situation arose out of the recommendation of the Special Committee to enquire into the case of improvement of burning ghats. It transpired that a fairly big amount was necessary for the purpose.

The Hindus because of their opposition to removal of burning ghats were called upon by the Justices of the Peace to provide funds for their improvement. The Association came forward to meet the challenge and collected a sum of Rs. 35,000 in the course of three months and paid the same to the Corporation in three monthly instalments, and were thus able to meet both the points.

### **The Suttee**

The Association was from time to time invited to give its opinion on matters of grave social import. Government wanted to stop the practice of *Suttee* in the country and invited the Association through a communication dated December 4, 1863, the Association discussed the matter on January 4, 1864 and supported the Government view in the main.

### **Churruck Poojah**

In 1864 the Government of Cecil Beadon expressed its desire to prohibit the practice of hook-swinging and boring of the body in connection with the Churruck Poojah. Being invited, the Association gave its considered opinion that "there could be no doubt" that the practice was both "cruel and degrading" and at many places this had been discontinued at the instance of the landholders. But the Committee of the Association deprecated interference of the State with their religious or social customs and usages. If the Government so desired in this direction help would be forthcoming from the landholders and their men. Armed with the opinion of the Association the Government passed a resolution wherein the district authorities were asked to suppress the practice,

firstly, by enlisting the support of the local people and secondly, by appealing to law. The Association issued a letter in Bengali to all concerned to help the Government and hasten the much-desired reform without any trouble. Ultimately *banfore* was abolished.

### London Indian Society

Agitation that was thought necessary in England in India's interests suffered greatly due to want of a competent organisation. The maintenance of an Agent in England or help available to the Indian Reform Society failed to satisfy the need, and the London Indian Society was inaugurated in 1865, to remove these wants. Mr. W. C. Bonnerjee, a member of the Association, then attached to one of the Inns of Court in London, was the Chief promoter of the scheme, and Dada-bhai Naoroji became its first President. On August 18, 1865, Mr. Bonnerjee wrote a letter to the Association asking for its hearty co-operation by regularly supplying information on public matters. This, he wrote, was a much needed want for the London Indian Society to function efficiently.

The British Indian Association pledged all support to the noble endeavour and in a letter dated October 22, 1865, indicated the line in which the work would be carried on. It was definitely suggested that the Society would pursue its objectives with moderation, free from partisanship and race hostility.

### Civil Service

The provisions of the Civil Service Act, 1861, fell short of the Association's demand for holding simultaneous examination both in India and England. Despite this fact, Satyendra Nath Tagore the second son of the Association's first Honorary Secretary, Maharshi Devendra Nath Tagore, was a splendid achievement. The result was not received with good grace by the London authorities. Radical changes were introduced in the method of examination. In 1864, it



related to the total marks allotted to the various subjects ; in 1865, the age limit was lowered from 22 to 21 years, with the sole object of creating difficulties for the Indian examinees.

The Association took a serious view of the matter, and in its monthly general meeting held on July 19, 1865, it registered an emphatic protest against lowering the age limit. A resolution was passed for submitting a memorial to the Secretary of State for India for fixing the minimum and the maximum of the examinees at 21 and 25 years, respectively.

At a meeting of the Association held on July 31, 1866, a decision was taken to wait for the return of Manmohan Ghose, the first victim of the changed rules, from England and get the first hand report from him.

### **Bills, Acts and Measures**

With regard to the ARMS ACT, 1860, the Association held a definite view that the situation in the country which called for a permanent law of this nature had disappeared and the law should be limited in its scope. The law may apply to particular classes or to occasions endangering public safety only. On the score of self-defence the law should be relaxed. At the final stage the Act empowered the Government to exempt at its discretion certain classes or districts from its operation.

### **Rural Police**

The subject of rural police was introduced in the form of a Bill in 1866. The Association supported the age-old system of village watch, which formed an integral part of the Panchayeti system. The Association defended the original provisions of the Bill and the consideration of the Bill was deferred to some future time.

### **Orissa Famine**

The virulence of the Orissa Famine in 1865-66 caused the Government of India to place Rs. 2 lakhs at the disposal

of the Lieutenant-Governor and it was thought superfluous for the Association to invite public subscription at the time. Individual members of the Association tried in their own way to mitigate the rigours of the famine.

### **Domestic Matters**

By the end of the period the Association had four Branches, viz., the Barasat and the Hooghly Branches (established in 1862), Mymensingh (Sherpore) and the N. W. P. Branch at Aligarh in 1866. The last named one was founded by Sir Syed Ahmad Khan, a great Mahomedan leader. In communicating the fact Syed Ahmad in a letter on May 17, 1866, asked for co-operation and information on subjects of moment to the public.

The Vice-President of the Association, Raja Pertaub Chandra Singh, died in early 1866. He was one of the principal founders of the Association. His place was filled up at the Annual General Meeting held on March 16, 1867, by Prasanna Coomar Tagore.

The Association enlisted two new members both of whom occupied very prominent places in the galaxy of great men of Bengal. One of them was Bankim Chandra Chatterji, the Rishi of 'Bande Mataram', then posted at Khulna as Deputy Magistrate, and the other Dr. Mahendra Lal Sarkar, M.D., the great Homeopath and the founder of the Indian Association for the Cultivation of Science. The Maharaja of Vizianagram expressed his sympathy for the Association and donated Rs. 4,000 in aid of the fund for the Association building.

During the first fifteen years of its existence the Association rendered valuable services to the country from a sense of patriotism and public duty. At the Fifteenth General Meeting it was said by Kishory Chand Mitra that "the Association owes its origin to a far-reaching foresight . . . . . When the time would come when India must be represented by her most advanced children when the light that would



illumine her darkness would come from within and not without." The principal idea "was to build up a distinct and well-organised national party which would stand for self-government and represent the wants and wishes of various people of this country."

## CHAPTER V

### THE NATION'S FORUM

#### Salient Features

By 1867, the British Indian Association had practically turned itself into the nation's political forum. Government bills and measures were brought forward in plenty affecting all aspects of a nation's life. The difference in outlook and interest between the Government and the governed gradually began taking definite shape and open clashes, as days wore on, increased in frequency.

The Association freely and boldly criticised such measures that went against the people's interests and adopted the two-fold course of bringing the grievances to the notice of the authorities through memorials and organising public opinion through public meetings on matters of moment.

#### Suggestion on Constitutional Changes

Based on the sad experience of working of Government machinery in cases of emergency, as in the Orissa famine of 1866, reorganisation of its constitution was deemed to be absolutely necessary. At the time Bengal, Bihar and Orissa was the most important unit in India's political and economic division. It was administered by a Lieutenant-Governor, nominated by the Governor-General from amongst the members of the Indian Civil Service. There was no Executive Council like Bombay and Madras. And instances were not rare when the Governor-General superseded the discretion of the Lieutenant-Governor.

The Association petitioned to the Parliament on March 17, 1868, to put an end to this procedure and suggested the appointment of a Governor-in-Council for Bengal. It further suggested the inclusion of an Indian who would be able to



represent Indian views in the Council in a much better way than what the most well-informed European could do.

The view was strongly supported by Sir William Grey, then Lieutenant-Governor of Bengal. In his note to the Secretary of State he "preferred to strengthen the Local Government by giving it greater authority and loosening its relations with the Supreme Government". He was opposed to the idea of making the Head of the Local Government an *ex-officio* Member of the Executive Council of the Government of India. In discussing the matter the Governor-General's Council expressed such divergent views on the matter that its consideration was dropped by the Secretary of State. It may be said in passing that after long years of waiting this privilege was granted to Bengal in 1912, with the annulment of Partition of Bengal and transference of India's capital to Delhi.

### **Consultative Committee on Finance**

A Committee to advise the Government on financial matters was thought necessary and the Association moved the Secretary of State in 1867, for the establishment of a Consultative Committee for the purpose. Government had admitted on several occasions the necessity of enlisting public opinion on financial matters but no steps had hitherto been taken. The budget was not published before its acceptance; taxation measures were adopted without the public having any opportunity to express their opinion. The Association pointed out that though revenue had increased by a little over rupees one crore a year for the previous ten years, the financial position of the Government could not be accepted as sound as it suffered from chronic budgetary deficits.

The Association pointed out in its note that while in the colonies taxation and representation did go hand in hand, in India the people had absolutely no voice in the matter. In the peculiar political condition of India in its relation to

England, while the Governor-General-in-Council might enjoy the fullest authority yet it would not be inconsistent or detrimental to the smooth working of the Government to take the public into confidence in matters of finance particularly in the contingency of imposing new taxes. The Association suggested, as a safeguard, the establishment of a Consultative Committee to advise the Government on financial measures.

Invited by the Secretary of State, the Government of India refused support on the plea that such body instead of being helpful in any way would try to avoid taxing themselves. The Association reiterated that their observation did not apply only to the taxation measures of the previous year but it also applied to the financial policy of the Government since the reconstruction of the Finance Department in 1864. The Secretary of State concurred with the views of the Government of India and the matter ended there.

### Civil Service

With the introduction of new rules the Civil Service became virtually closed to the Indians, Manmohan Ghose, who had been the first victim of the new rules, being invited addressed a meeting of the Association on September 18, 1867. He gave a short history of the Civil Service and the effects of the change in rules regarding age and the lowering of marks on Indian youth. He also informed the meeting that some English friends, who had been in India for long, had been taking a keen interest in the matter. It also came to be known through him that the East India Association had already sent a representation bearing on the point. The Association resolved to take steps to move the Home Government through another memorial.

The question by now assumed the character of a constitutional issue. The East India Association submitted that (i) the competitive examination for Indian candidates should be held in India, and (ii) that a definite share of appointment



should be announced for competition in India. This move received an influential support in England. The matter had been receiving the attention of the Association since 1853, but the efforts did not meet with any appreciable success. The East India Association had the full support and in addition the Association sent a fresh memorial on March 16, 1868, on the line taken by the East India Association. The proposal was rejected by the Secretary of State with the remark that it was admitted that Indian candidates laboured under disadvantages but nothing remained to be done. In 1869, as a palliative to Indian demand, he declared "certain scholarships to deserving candidates to enable them to proceed to England for professional education or for passing the Civil Service Examination." The Association opined that the age-limit was a hurdle that could not be overcome by any other measures.

### **Royal Commission**

The Association started a movement in the country in 1870, on the score of a scrutiny of the Indian administration and for further constitutional changes. It succeeded in enlisting support of the East India Association and some leading merchants of Calcutta. A joint committee consisting of men of light and leading was formed in November to draw up a memorial. The points raised in the memorial were: (i) the financial administration of the country, (ii) the administration of the Public Works Department, (iii) Home Charges, (iv) Administration of Income Tax, (v) Constitution of the Legislative Council, (vi) the relation of the Viceroy with the Secretary of State, (vii) the annual exodus of the Government of India, and (viii) appointment of Military Officers to the staff corps. The memorial was presented before Parliament by Prof. Henry Fawcett, M.P., an eminent economist and a true friend of India.

The appointment by the Home authorities of a Select Committee on Indian Finance in place of a Royal Commission as desired by the Association was sincerely regretted because

the Select Committee was destined to fail in making a thorough enquiry into the condition of the country. The evidence tendered before the Select Committee composed exclusively of non-Indians. It realised this defect and expressed the desirability of obtaining evidence from India. As it was found beyond the range of possibility to send Indians to England, the Association suggested the coming over to India of some members of the Select Committee for the purpose.

The view of the Association was that in a matter of such moment not only the educated Indian opinion should be consulted but that ryots and others who represent the masses should be allowed to appear before the Committee and thereby to remove a genuine grievance of the people. The proposal when pressed before Parliament met with stiff opposition from the Ministry and was dropped.

### **Finance and Taxation**

Failing to secure appointment of a Consultative Committee, the Association suggested a Royal Commission of Enquiry into Indian affairs particularly against the tempo of taxation. The 1867-68, the Budget contained a provision of introducing a License Tax Bill proposing levy on trade and profession to meet the deficit. The Committee of the Association looked upon it as a modified form of Income Tax. Besides the trade and profession it sought to impose tax on salaried persons both in private and public service.

The Committee in a petition to the Governor-General in Council pointed out that Rs. 200 was a significantly small income for a year and that would press heavily upon the poor. Further, the appointment of District Collectors for assessment and collection of tax would be absolutely unworkable and it was highly objectionable that the same person of no great high office should be assessor, prosecutor and judge. A local license tax which was being realised in Presidency towns was pointed out by the Committee and in the final bill a clause was



introduced exempting all persons who had already been paying the license tax. The objection to assessment to Income Tax of persons of small income, the minimum amount liable to Income Tax was raised to Rs. 1,000 per annum. In the Budget for 1868-69, persons with an income below Rs. 500 per annum were exempted from the License Tax.

The Income Tax which was abolished in 1868, but re-introduced in 1869 at the time of Sir Richard Temple with the object of meeting a deficit of about Rs. 90 lakhs. This was opposed by the Association on the ground that the past Finance Members never reckoned it as an ordinary and permanent source of revenue. The Association urged for publication of the detailed estimates of Home Charges to enable the public to secure a correct picture of the financial position of the country.

In the Revised Budget of the year Government proposed doubling the Income Tax and an addition to Salt Tax while suggesting economy in the Public Works and other departments. The measures on economy as submitted by the Association were greatly appreciated by the Governor-General-in-Council but strangely enough, without result.

In the Budget for 1870-71, the Finance Member not only retained the doubled rate of Income Tax but also increased it from 2 per cent to  $3\frac{1}{8}$  per cent. This was resented by the public. The Association co-operated with the Chamber of Commerce in organising a public demonstration of Europeans and Indians ; resolutions were passed expressing great dissatisfaction with the Budget. They averred that in times of peace such enhancement of Income Tax was thoroughly unjustified and the demand for a Royal Commission of Enquiry was reaffirmed.

The agitation produced some effect in the sense that in the Amended Income Tax Bill for 1871-72, the incidence of taxation was considerably reduced.

### Road Cess

The idea of a local cess which had already been mooted was given a shape. The Government of India and the local Government through correspondence came to the understanding that due to inability of the Government of India to finance education and improvement of roads, the Government of Bengal was given the choice of raising funds for the purpose. There was precedent in Bombay, the Central Provinces and the Punjab of cesses realised locally and the Government of India emphasised this point in a letter despatched in April 1868. It was pointed out that the landholders had been paying nothing and in spite of the peculiar nature of the land-tenure in Bengal there could possibly be no objection to levying such a tax. The British Indian Association was invited to express its opinion on the proposed tax which was to be spent on spread of education among the masses and the construction of roads.

Opposition to this measure was voiced in public meetings held under the auspices of the Association and attended by a large section of the public interested in the matter. It was contended that the available fund would be inadequate for the purpose. In a petition it pointed out "that consistently with the principle laid down in the case of the certificate tax the Government would not tax people drawing income of less than Rs. 500 per month."

The despatch dated May 12, 1870, from the Secretary of State contained a picture of local taxation in a concrete form. The proposal was that local cesses should be imposed on "all property of a kind accessible to the rate for local purposes." It further held that imposition of such taxes would not interfere with the terms of the Permanent Settlement. The Association could not accept this view. Moreover, they held that the despatch wanted to relieve the Indian Exchequer of a considerable sum now spent over education, roads, dispensaries, etc., by levying cesses on all persons holding real property.



As the cesses would be more burdensome than the Income Tax, the Association could not lend its support to it in any shape or form.

All protests proved unavailing and the Government proceeded steadily in its own way. The Association was asked to nominate a member on the Committee with the view of reporting on the best means for giving effect to the views of the Home Government. The Association named Raja Degumber Mitra as their representative on the express understanding that he might join without in any way committing himself to its principle of local taxation. The Government conceded to the extent that no discussion on the principle would be allowed in the deliberations of the Cess Committee.

While extending limited co-operation to the Government the Association organised a public meeting on April 3, 1871, to give expression to their feeling against the local cesses. The Secretary of State got the Bill passed by the India Council with the majority of one which lent additional weight to the agitation carried on by the Association. It was declared accepted in the mass meeting that the cess on land was nothing short of a breach of the terms of the Permanent Settlement.

The discussion which was held on the memorial of the Association in the House of Lords was depressing. The Bengal Council came out with a Bill on the matter in 1871. The Association suggested some modifications in the provisions of the Bill but the result was quite negligible. The Bill legalised the levy of a cess on all immovable property with small exemption in favour of such property already liable to local rating by Municipal Law.

The Association pointed out to the Government the difficulty of people of the areas ravaged by floods and excessive rains. A notification dated October 2, 1871, suspended collection of taxes under this head up till September 1, 1872.

### Water Rate

The contractors of the Calcutta Corporation failed to complete the water supply works within the stipulated time and the works was taken over by the Corporation in March 1870. Simultaneously, a Bill was introduced in the Bengal Council to levy water tax inasmuch as they were not in a position to declare the water works complete under Sec. 13 of Act IX, 1867. There was opposition to this Bill from the Association. It went unheeded and the bill was carried by a majority in the Bengal Council.

All efforts on the part of the Association including submission of a memorial to Her Majesty in England were of no avail and the objectionable feature of imposition of 5 per cent water-rate on the assessed rental of all property,  $\frac{3}{4}$ ths of it to be paid by the occupiers and  $\frac{1}{4}$ th by the owners, came into force with immediate effect.

### English Education and the Government

The Association was an all-out supporter of English education in India which was bound to bring about immense political consciousness in the people of India. Since 1866, the question of vernacular Universities had been before the public and in the course of these few years the comparative claims of English and Oriental languages as media of instruction began to agitate public mind. At a meeting of the Association held on February 27, 1868, Dr. Rajendra Lal Mitra unequivocally spoke in favour of English education. The endeavour of a brother Association at Aligarh to advance the claim of a vernacular University was roundly condemned by him. He held that cultivation of English literature would contribute greatly to the growth of Indian vernaculars and give a stimulus to the revival of oriental learning. Supporting Rajendra Lal's views, Joy Kissen Mukherjee of Uttarpara



added that collegiate institutions should be multiplied in the districts without delay.

The hostile attitude of the Government expressed in a Resolution dated September 9, 1869, was looked upon with dismay by the Association. The idea contained in the resolution was that a large sum was being spent on higher education in partial neglect of the claim of the vernacular. In amplifying the meaning of 'higher education' the Government stated that "English education must be classed as high". Suspicion was aroused in the public mind that the Government was opposed to further spread of English education. The publication of the text of the Resolution confirmed the apprehension of the public and it gave rise to a movement throughout Bengal unprecedented in intensity and magnitude. The whole of Bengal seemed convulsed and the Association took upon itself the task of harnessing this robust manifestation of popular feeling. A public meeting was held in Calcutta on July 2, 1870, to which seventeen districts sent their representatives. The meeting assumed the character of a regular conference in which educated men from all walks of life and holding all shades of public opinion participated. The *Amrita Bazar Patrika* spoke of the British Indian Association as putting a fair claim "to be the Parliament if not of India but of Bengal," and it was of the firm view that "another impolitic step of the Government will still more augment the power of that body and the nation."

The Association took up the matter earnestly. A memorial was sent to the Secretary of State on the line adopted at the meeting. The views of the Association to the Government of India were also intimated. Ultimately the Government yielded to the pressure of public opinion. The enthusiasm and political consciousness aroused by the controversy was, on the suggestion of Raj Narain Bose, fully utilised by the formation of Local Committees in the several districts from which the respective representatives took active interest.

### **Inland Emigration Act : Before and After**

Two Bills bearing on the matter were passed in 1863 and 1865, but the tea-planters demanded an Act which would insure complete hold over the labourer. The planters were successful in forcing the Government to introduce a Bill in 1867, giving them more powers. The Association expressed strong views opposing the new Bill. Their efforts failed at the initial stage and the Bill was passed into law. Its attempts to influence the Lt. Governor having proved ineffective it moved the Governor-General successfully and the Bill was vetoed.

The Association welcomed the appointment of a TEA COMMISSION in November 1867 for which it had made previous unsuccessful attempts. The non-official member, Raja Degumber Mitter, who was nominated by the Association at the request of the Government, had to withdraw because of the opposition of the white tea-planters on the score of the non-official character of the Association's nominee. All necessary information desired by the Government was duly supplied during the course of the enquiry.

THE ASSAM COOLIES BILL which was almost the same as that of 1867, wanted to substitute the prevalent method of recruitment by introducing a new body of recruiting agents called (*arkatis*) Garden Sirdars. The Committee of the Association objected to some of the provisions on principle and also for the anomaly of the agency being entrusted with the administration of the law. Some of the obnoxious features, especially the proposed system of recruiting by Garden Sirdars, were removed. The Bill was passed in August 1869, but in the working of the Act it was found that it acted against the interests of the labourers. The Act was described as "Slave Law" by Kristo Das Pal in the Supreme Council.

### **Hindu Wills Act**

The HINDU WILLS BILL, as presented before the legislative Council in 1869, contained some of the views the Govern-



ment expressed in 1865, such as extension of certain sections of the Indian Succession Act with a view to prohibiting Nuncupative (oral) Wills and defining the powers of executors and regulating the probate of will to the Hindus. The Bill designated as "Bill to regulate the Wills of Hindus, Jains and Buddhists" after formal introduction was referred to a Select Committee. The modifications suggested by the Select Committee were in contravention of the substantive Hindu Law. It recommended immediate acceptance of the amended Bill.

The request of the Association for the republication of the amended Bill for general information for sufficient length of time and not to be hurriedly gone through, was accepted. The argument, that it would cause great inconvenience to the Hindu community, as advanced by the Association, was completely ignored, and the Bill was passed in the Simla Session of the Legislative Council on July 19, 1870.

### **Native Marriage Bill**

The question of native marriage particularly that of validating Brahma marriage was mooted by Brahmananda Keshab Chunder Sen and was present before the public since 1867. A Bill was introduced in 1867, with a view to legalise marriage between Indians as civil contract and was to be permissive. The Association held that even if the law be permissive it would have the effect of encouraging people to dispense with the rites of religion in entering into marriage contract. At best it should be restricted to Brahma marriage. Considerable changes were effected in the Bill and it was passed as Act III of 1872.

### **Town Police and Village Panchayet**

Two Bills, viz., the CALCUTTA POLICE BILL and the MOFUSSIL MUNICIPAL POLICE BILL were presented before the Bengal Legislative Council in 1867. The first Bill sought to charge the Calcutta Corporation for the expense of the Calcutta Police. The principle was opposed in a meeting

held on February 27, 1867, at the instance of the Association. It passed resolutions to the effect that (i) a shipping rate should be levied for the purpose, (ii) the proceeds of the liquor licences granted by the Commissioner of Police should be placed at the disposal of the Municipality, (iii) the Government to pay one-fourth of the Police charges as per resolution of April 31, 1864, (iv) the occupiers of houses should be made to pay a police tax to meet the balance of expenses, and (v) the police expenditure to be vested in the Municipal Corporation.

On this representation the Government of India agreed to contribute one-fourth of the cost of the Calcutta Police and to pay out of the Port Fund the entire cost of the river Police. The police rate was also reduced from 5 to 3 per cent and made chargeable to the occupiers of houses. The Police Budget was to be placed before the Corporation which would have the right to revise.

As regards the Mofussil Municipal Police Bill, the Association submitted that to provide the pay of one Police Officer of the lower grade, that is, one constable for every twenty-five houses would considerably increase the Police expenditure of towns, and in case of Municipalities absorb nearly two-thirds of their incomes for Police purposes alone. It suggested the employment of one Chowkidar to every fifty houses. Such a rule, it observed, would meet the requirements of the Town and the Municipalities and permit the utilization of a fair proportion of the Municipal tax for sanitary improvements, for which it was primarily imposed. It also pointed out the absurdity of the provision that the Police Budget should be read aloud before the *Panchayet* or Municipal Committee without however giving these bodies any power to amend or revise it. The Association's suggestions regarding the modifications of these two provisions were accepted before the Bill was passed. The maximum share of the Police charges, it was provided, 'shall not exceed five per cent of the value



of property assessed, and the Chowkidar Panchayet and the Municipal Committee shall have power to review the Police Budget'. It was a distinct gain for the local self-governing institutions.

In the matter of Village Watch the Association had the satisfaction of finding most of its suggestions being accepted by the Committee appointed to prepare the draft of the Bill. A good deal of the success of the scheme depended on liberality, zeal and tact of the district authorities. It was not possible to revive the old Village Institutions in their entirety as the Hindu Society had been undergoing revolutionary changes under the Government.

The Bill was passed as the CHOWKIDARI ACT (VI of 1870). The management of the village (of more than sixty houses) or a group of villages vested in the village *Panchayet* was to be selected by the Magistrates. The task of assessment of houses, propertied persons, appointment of watchmen, etc., was given to the *panchayets*. The Association expressed its misgivings over the question of transference of the property that maintained the village chowkidar to the landlords on payment of  $\frac{1}{2}$  per cent of the market value in perpetuity.

### Miscellaneous

With a view to consolidate and amend the law relating to principal Sudder Ameen, Sudder Ameens and Munsiffs, a Bill was presented before the Bengal Council in 1868. The suggestions of the Committee of the Association that the High Court should be vested with the power of making nomination, and that the law graduates of the University or persons holding the High Court pleader's diploma, or a certificate of some such equivalent examination should be eligible for the office of the Munsiff were accepted by the Government.

In 1871 there had been in England a proposal for bringing down the number of Privy Council appeals. The Asso-

ciation was against the alterations in the constitution of Judicial Committee of the Privy Council. It was very much against any measure that might impair in the slightest degree the efficiency of that august body. Some of the suggestions of the Association in this respect were accepted. A Bill providing for the appointment of four additional Judges, two English and two Indian, for the hearing of Privy Council appeals was passed in Parliament.

### **Law of Sedition**

THE PENAL CODE AMENDMENT BILL OF 1870, contained a clause intended to penalise "attempts to excite feelings of disaffection towards the Government." The whole of the Indian Press protested vehemently against the proposed clause. The Committee of the Association held that this would seriously interfere with the liberty of speech and writing of the public. Moreover, it was liable to great abuses in times of political ferment. Arming malicious officials with such a powerful weapon would help them to gratify their private and personal animus; it would increase the sense of insecurity in the citizens. The consideration of the Bill was postponed for the time being. A significant point that came out in the course of the discussion of the Bill was that the English Law punishes an 'over act' whereas the Indian law would punish even an 'intention' to do such an act. The Association was very emphatic on this point of difference, and also on the question of the Executive Government being given such arbitrary powers which would be a constant source of trouble to public men and the editors of newspapers.

### **Epidemic Fevers**

The Epidemic Fevers that caused periodical ravages to the masses were, in the views of the Association, not to be tackled in a piecemeal fashion. The Government instead of limiting its activities to the adoption of some sanitary measures only, should also initiate such measures as the opening up of the natural water channels that had been blocked by physi-



cal and artificial causes. This, the Association considered, would in addition result in systematic irrigation of the affected areas. The IRRIGATION DRAINAGE BILL, 1870, of the Bengal Government was declared to be too wide in its scope and the Association was of opinion that it might be deemed too expensive in its operation. Its suggestion for limiting the scope of the Bill was accepted, and specified regions of the Hooghly, ravaged by the scourge, was selected for its operation.

### **Howrah Bridge**

Construction of bridge over the Hooghly, agitating the public mind since the mid-fifties was revived in 1868. On the suggestion of the Association, the recommendation made by the Bengal Government to the Secretary of State for the construction of a floating bridge at Armenian Ghat was approved. The bridge was completed in 1874.

### **Allied and Branch Associations**

The Mymensingh (Sherpore) Association started a charitable dispensary. It wanted support of the Association, which was readily extended, for the navigation of the Brahmaputra. Several meetings on this matter as well as on education and the like were held throughout Bengal under the aegis of the Association. The leaders of such areas were requested to form permanent bodies and to serve national cause through them.

Political associations in Bombay and Madras grew up on the model of the British India Association in 1858. The Bombay Association which had become defunct for some years revived its activities in 1868.

The East India Association was established in September 1867, with which was amalgamated the London Indian Society, a former organisation that functioned for some years in London. The India Reform Society had gone out of existence after rendering valuable services to Indian Interests. The

East India Association was offered hearty co-operation of the British India Association. Dadabhai Naoroji became the Honorary Secretary of the amalgamated body. He was greatly helped by the Association in his efforts for submitting the great Civil Service Memorial to the Secretary of State. The Association also extended its hearty support to the demand for the appointment of the Royal Commission of Enquiry into Indian affairs.

### **Domestic Matters**

The munificent donations of Prasanna Kumar Tagore and the Maharaja of Vizianagram of Rs. 10,000 and Rs. 4,000 respectively, enabled the Association to purchase a home for itself. The other donors included—Raja Satyasaran Ghoshal and Raja Rajendra Mullick, each paying Rs. 1,500, Maharaja Doorga Churn Law, Babu Joteendra Mohun Tagore and Babu Joy Kissen Mukherjee, paying Rs. 1,000 each. The premises at No. 18, Raneemoody Gully was purchased at Rs. 40,000. The balance was met out of the accumulated funds of the Association and the grant made by the Trustees of the Hurrish Mukherji Memorial Fund. A well-equipped library was started in the building. At the seventeenth Annual General Meeting held on February 24, 1869, the Chairman Babu Ramanath Tagore congratulated the Association on its good luck in securing a permanent home. He exhorted the members not to rest content with what had been achieved but to guarantee it an undying and useful life. He stressed that fluctuating private subscriptions being uncertain, endowments should come from the educated and the patriotic citizens; the Association was to become a representative body of not only of Bengal but of the whole of India.

The Association suffered serious loss by the death of Raja Radhakanta Deb, Babu Ramgopal Ghose and Babu Prasanna Kumar Tagore. Public meetings were held to mourn their loss. The Association suffered another stunning blow in the death of Sambhu Nath Pandit on June 6, 1867.



The Association by now acquired a status of national and political importance and its membership was sought after by men of light and leading from all walks of life including Government service.

The Association was now regarded as a great institution for rendering valuable service to the country. His Highness the Maharaja of Vizianagram and Rajah Sheoraj Singh, C.S.I., expressed their earnest desire that the example of Bengal in the establishment of such an organisation should be followed by other presidencies of India, so that they could unite and work in co-operation with the Government for common weal and for attainment of the common goal.

## CHAPTER VI

### NEW FORCES AT WORK

In 1872, the British India Association reached its twenty-first year of useful existence. Beyond keeping a watchful eye over events of national interests, it wanted to mould and reform the administration of the country in a manner that would benefit the people in every possible way. In the pursuit of its aim, not infrequently, it had to come into open clash with the authorities. True to its principle, it never swerved from constitutional methods for attainment of its objects.

The country suffered terribly under a spate of legislations undertaken by over-zealous rulers. The Association, in welcoming Lord Northbrook in the latter part of 1872, observed that the country required respite from over legislation, over-taxation, over-enthusiasm for rapid changes, and from over-activity for ambitious administrative reform on the specious plea of progress.

#### Constitutional Questions

With the spread of western education in the country and development of ideas of democracy and constitutional progress, the Association's political views and methods of work had been undergoing steady change. By the seventies, the people's political consciousness had advanced a good deal and the benevolent despotism of the British rulers became an object of open criticism. The Association, to make the best use of the situation, directed its attention towards greater political and social reforms.

#### Parliamentary Finance Committee

The Parliamentary Finance Committee reconstituted in 1872, expressed a desire to obtain evidence of non-official Indians in 1873. The Association selected for the purpose



Mr. James Hutton as its accredited Agent in London and through him was able to render valuable services to the Reforms Committee. It goes without saying that he worked under great disadvantage and could not give as much as was possible for him.

By the dissolution of Parliament in 1874, the former Committee was renamed SELECT COMMITTEE OF THE HOUSE OF COMMONS ON INDIAN FINANCE. A new Committee with limited scope and object was appointed and it was commissioned to go more particularly into what was popularly known as 'the Home Charges'. The Committee after examining a few witnesses formed an idea that the charges in some instances imposed upon Indians ought to have been borne by England and that it was considered inadvisable from the point of view of certain English statesmen to throw any charge on India without proper justification. The Committee further enjoined that in all financial matters connected with India strict impartiality should be observed. Their opinion was reflected in the words of Lord Salisbury who said that "the most effectual way of securing financial justice for India is for the House of Commons to be constantly watchful on her behalf".

The Committee of the British India Association regretted the delegation of the Select Committee's functions to departmental Committees on the ground that only the Parliamentary Committee was competent to enforce justice in matters where the interests of both India and England were at variance. The case of India was ably put before Parliament by Mr. Fawcett on information supplied by the Association through correspondence. The annual Indian Budget was presented before Parliament late in each season and there were not many Members to take the requisite interest in the matter. In 1872, the Association moved Parliament through a petition to publish the Budget early in the Session so that it might interest a larger number of M.P.'s in Indian

affairs. This move was supported by the Associations of Bombay, Madras, North West Province, Oudh and Punjab.

### **Publication of the Budget**

Mr. Fawcett as spokesman of the India Reform Party tried hard, without much success, to get the Budget published earlier. In 1874, a Bill was presented to Parliament for the appointment of a member for the Public Works Department in the Viceroy's Executive Council. As this would not, in the opinion of the Association, prove effective in checking the extravagance of the Department, the whole responsibility, as a lesser evil, would rest with the Governor-General. On the advice of the Association Mr. Fawcett moved for the adjournment of the Bill. He succeeded to the extent that the appointment of the Member was made discretionary.

As an instance of thorough disregard for Indian public opinion it may be cited that the Association's suggestion for publishing the Budget Estimates before it was presented to Parliament, was overruled.

A BILL, amongst many others, to REGULATE THE POWERS OF THE LEGISLATIVE COUNCILS OF INDIA was introduced in the middle of 1876 in Parliament. The enactment was hurried through without giving 'the Indians time to express their opinion on it'. Mr. Fawcett was requested by the Association to move Parliament for publishing the Bills at least three months before its introduction in Parliament.

### **Civil Service Ukase**

Lord Salisbury, to evade Indian criticism over Bills, took recourse to executive fiat in reducing the minimum age limit of the candidates of the Civil Service Examination, to nineteen! Jealousy of the English people was more than evident in the cases of Surendra Nath Banerjea and Sripad Babaji Thakur of Bombay, particularly in the ultimate dismissal of the former from service in 1873. The Salisbury ukase was vehemently resented by the Association which had



all along fought for widening the basis of the Civil Service. It joined hands with the younger section of the Community headed by Surendra Nath Banerjee and Ananda Mohan Bose in launching a countrywide agitation against this action of the British authorities. At the twenty-fifth Annual General Meeting of the Association held on May 12, 1877, it lent its whole hearted support to the movement.

### **Indian Representation in Parliament**

The Association was invited to give its considered opinion on the question of Indian representation in Parliament, which had been before the public since 1874. As the educated community of India wanted a Parliamentary System in India, they were not very enthusiastic over the matter. The Association expressed grave doubts over the feasibility of the question on the grounds that (i) the Constitution was a bar to the representation of Indians in Parliament, (ii) even if the Constitution is amended, the British representatives would have the usual way of dealing with Indian problems, (iii) the number of members would be too small to enable them to carry any measures advantageous to India. The matter was not pressed any further.

### **Educational Matters**

Expansion of high English education did not find favour with the authorities, particularly so in the case of Bengal. The first restrictive measure came in the shape of demotion of four out of eight colleges to the status of High School by orders of the Lieutenant Governor of Bengal, Sir George Campbell. In supporting his action he declared that "the First Art seems to be the point which ensures good education in English and qualifies for efficient progress in the special department or in the public service".

The action of the Lieutenant Governor greatly perturbed the public mind. The Association, as their spokesman, submitted a memorial on June 17, 1872, to the effect that con-

centration of the highest education in the Presidency College alone would practically tantamount to denial of higher education to the vast masses in the mofussil of the Presidency. The Association further observed that "the whole discussion turned upon the question whether or not the Government approved of higher education in the abstract, but upon the extent to which they were prepared to assist it".

This had a salutary effect. The Patna and Dacca colleges were allowed to retain their status. The Sanskrit College, the Krishnagar College and Berhampore College, instead of being reduced to the status of high schools, were made to Second Grade Colleges. On January 31, 1873, a Government of India resolution took note of the modification of the orders of Campbell and enunciated the Government policy regarding the spread of primary education amongst the masses. It is to be noted with satisfaction that primary education had taken a definite and practical shape in Bengal.

### Study of Sanskrit

The indiscreet utterance of Sir George Campbell to the effect that he had been led to believe that Bengali was corrupted and bastartised by the introduction of Sanskrit and hybrid words and phrases was taken severe exception to by the Bengalee educated community. He further embittered their feelings by his injudicious order that Sanskrit was not to be taught in any school, except in certain high schools when there was bona fide demand for such education and that 'under no circumstances Sanskrit is to be taught to more than two highest classes of any Government School'. The Association strongly protested against the orders as well as the remarks of Sir George Campbell and averred that such sweeping condemnation was only possible for one who had the most inaccurate and mistaken estimate of the relations that subsisted between the Bengali and the Sanskrit languages; and the consequences would prove most disastrous to the progress of education in this country. Sir George retraced his way



back and assured the Association that he would give the subject of Vernacular and Sanskrit education his earnest thought and that he would never discourage the study of Sanskrit.

### **Sanskrit *cum* English**

The Association wrote a most cogent letter to the Government in regard to the abolition of English classes in the Sanskrit College. It pointed out that the advantage would be that the Sanskrit scholar would be able to earn a decent living 'which would prove a powerful incentive to the pursuit of knowledge and serve to qualify him to utilize the knowledge in the interest of society as well as the State, and to act, as it were, as an interpreter between his countrymen and those Europeans, who might feel interested in the lore of Sanskrit'. On this argument the First Arts Class was allowed to be retained in the Sanskrit College.

### **Text-books**

On the advice of the Association the selection of vernacular text-books was entrusted with the newly formed Text Book Committee constituted in 1874. At the intervention of the Association the Calcutta Normal School was not transferred to Hooghly and amalgamated with the Normal School there.

### **Agrarian Trouble**

Sir George Campbell's administrative measures always evoked sharp public criticism. In the Annual Administrative Reports he would castigate both the *Hindoo Patriot* and the *Amrita Bazar Patrika* holding diametrically opposite views and the idea of suppressing newspapers, especially those published in the Bengali language, came up during his administration. He was hostile to the educated and vocal section of the community. His aversion towards the British Indian Association, composed mainly of land-owning interests,

became manifest through his enthusiasm for reforms conferring greater rights on the raiyats regarding their tenancy.

The unfortunate agrarian trouble of vast magnitude was the result of strained relations between the raiyats and the landlords. Instead of trying to remove the causes of the trouble the Government took the sides of the raiyats and made it a point to foment the trouble in all possible way. The *Amrita Bazar Patrika*, (August 14, 1873), gave a picture of the tense situation in which it referred to the quiet combination of the raiyats who had ceased paying rent to the landlords. They had been depositing rents in the Civil Courts or allowing them to run into arrears. The peaceful raiyats had been coerced to join the malcontents and all of them failed to realise that they had been laying the axe at their own feet and ruining the zemindars, and on the miseries of both, the Government would reap a rich dividend.

In the half-yearly monthly meeting held on September 20, 1873, Raja Degumber Mitra, speaking on the subject, suggested the special officers armed with special powers should be appointed to adjust such disputes and to guard against the recurrence of similar troubles and that substantial changes should be introduced in the rent-law of the country. He further said that a combination of the peasantry popularly known as *dharmaghat*, called themselves *bidrohi* or 'rebel' and committed excesses with the connivance of the authorities. Babu Joy Kissen Mukherjee openly accused Sir George's administration of having a hand in giving the agrarian trouble a political significance. The request of the Association for the appointment of a Commission to enquire into the agrarian troubles was turned down. The steady and distant sounds of the steps of famine in 1873, checked the agrarian troubles to a degree but that could not restrain Sir George from pursuing his sinister policy. The officers who had been mainly responsible for fomenting the trouble at Pabna and Serajgunge were promoted by Campbell in appreciation of their great service.



### The Famine

In October 1873, the Association noticed unmistakable signs of the impending famine and it sent a communication to the Government on the poor prospects of the crop during the season. It urged the Government to take recourse to early steps to meet the coming crisis. The reply was curt and incivil to the extreme ; it reminded the leaders, the members of the Association, to do their duty to the peasantry instead of advising the Government about its duties and to approach its own members and others over whom it had influence to take steps in this direction.

The Association in a rejoinder regretted the attitude and tone of the letter and added that the Government had taken distorted view of the functions of the Association. It had voluntarily taken upon itself the task of representing the people of Bengal and, moreover, it was founded with a view to bring to the notice of the Government their opinion and wants. If they had failed to draw the attention to the impending disaster they would have been sadly failing in their duty to the people. In the same note the Association adduced facts and figures, district by district, so that the Government might be forewarned and get prepared to meet the crisis.

Profited by the sad experience of the Orissa Famine of 1865-66, and alerted by the Association before the outbreak of actual famine in 1873-74, the Indian authorities got prepared to meet the emergency, and the Famine, rather a 'severe scarcity', passed off without any considerable loss of life. The British Indian Association acted in a manner worthy of its tradition and through its constituents both in Bengal and Behar extended relief, both temporary and permanent, to the distressed in a manner which had no precedent. So much so Sir George Campbell was constrained to remark that the landlords had displayed a spirit of supreme sacrifice and self-abnegation when these were needed most. They had suspended collection of considerable portion of the rents and

this meant a serious hardship to a large number of landlords who must have previously been living up to their incomes.

In the language of Sir George, "Their position in native society is such as to entail many expenses, such as are unavoidable in the joint family system . . . . . They must have suffered at least temporary pecuniary loss and some have undergone grave inconvenience . . . . . large number, many thousands of lesser landholders . . . . . must have suffered a severe distress, the full degree of which will never be exactly known." It was very much appreciated by the Government that the land revenue had been paid "in a manner which is satisfactory and creditable to the working of the Permanent Settlement." Moreover in most cases they had refrained from asking for compensation for the land taken over for construction of relief roads running to 6,000 miles. As it should be a large portion of these roads must have run through lands belonging to the landholders and there had been very few cases of demand for compensation. "These circumstances redounds to the honour and public spirit of those concerned", remarked the Lieutenant Governor.

The sum obtained by the zemindars, landlords and merchants from the Treasury was to the tune of Rs. 40 lakhs or £460,000, partly for the improvement of the land and partly for importation of grain. "They were taken by the recipients, not at all for their own benefit, but for the sake of doing good offices to those with whom they were connected by ties of fellowship, of neighbourhood or of social relation", and the Government was absolutely certain that this would be paid in time.

The people of Bengal made a voluntary contribution of nearly £100,000 to the Relief Committee and a large part came from the landholders "over and above the other expenditure they may have incurred or losses they may have suffered, in connection with the scarcity."



### Municipalities

The MOFFUSIL MUNICIPALITIES ACT:—With the growth of moffusil towns, establishment of moffusil municipalities became a necessity. Since the passage of Act VI of 1868, twenty-five municipalities came into existence in moffusil towns and they were all in an experimental stage. Against this background a new Bill was introduced in the Bengal Legislative Council on December 9, 1871, and was passed into Act in haste on July 29, 1872.

This hurried passage of the Bill was resented by the British Indian Association, and it advanced its criticisms and objections *inter alia* on the following points, viz., (i) Municipal Unions, (ii) Constitution of Commissioner, (iii) Taxation, (iv) Recovery of Taxes, (v) Application of Municipal Funds, (vi) Municipal Regulations, (vii) Markets, and (viii) Third class Municipalities. On these and other points assent to the Bill was withheld by the Viceroy. He, however, intimated that “sufficient powers now exist for the introduction into Bengal of a system under which Municipal and local affairs may gradually come to be administered by bodies in which the people are represented and any proposal which the Legislative Council of Bengal may take to amend Act III of 1864 in the same direction would receive His Excellency’s favourable consideration.” It came to be understood that it was the desire of the Viceroy that the Municipalities would voluntarily contribute towards education within their jurisdiction. A Bill was passed in the Bengal Council on April 5, 1873, introducing elective system in the composition of municipalities and giving power to them to incur expenses on education within their jurisdiction. The Chairman was placed under the legitimate power of the Commissioners. The Serampore Municipality enjoys the distinction of being the first in having elected Commissioners followed by Krishnagar.

Within three years of the passage of the above Bill, a Bill consolidating the various desired activities of the municipalities

was drafted under the direction of the Lieutenant Governor particularly making provision for the educated people to take part in the local administration. While expressing its satisfaction over this step, the Association suggested that to make the elective system bear its own stamp the number of elected members should be increased reducing the number of officials to one-fourth of the total strength of the body. It further held that the franchise should be restricted to residence or possession of land within the Municipality to which they might be elected, that the term of the Commissioners should be seven years instead of three, and that they should be allowed to be in office during the period so long as they would work conscientiously and honestly. Most of the recommendations were ignored and the Act was passed in April 1876. The Association in a petition submitted to the Viceroy pointed out that the Act invested the municipalities with unusual power of levying taxes and enhance expenditure on extra-municipal matters such as on the maintenance of the police, to which it objected.

### Calcutta Municipal Act

A BILL FOR RECONSTITUTION OF THE CALCUTTA MUNICIPALITY was drafted by Sir Stuart Hogg on behalf of the Government on January 2, 1875. In the opinion of the Association some of the amendments affecting the quantum of taxes and encroaching upon the rights and privileges of the Commissioners were unjustifiable. It recommended reduction in the number of the Justices of the Peace, and representation of every class of rate-payers in proportion to their numerical strength. It also suggested that the Corporation should be self-elective so that 1/10th would retire annually by rotation and the remainder would elect their successors.\*

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\* Further details about the progress of the Bill and the activities of the Association relating thereto find a place in Part II of this Volume.



### Miscellaneous Matters

The CRIMINAL PROCEDURE BILL of 1872 provides restrictions on the authority of the Magistrates and the Sessions Judges in the moffusil. The proposed measure did away with the old but introduced a new distinction between European and Indian covenanted officers, preventing the latter from presiding over the criminal courts of the country. The arrangement had been a clear violation of the principle of throwing open the Civil Service to all classes of Her Majesty's subjects. The present measure, removed a long-continued anomaly whereby even European Magistrates and Sessions Judges had not had the power to try European British born offenders. At the time this led to bitter resentment and it agitated the whole country in the early eighties.

The ASSAM COOLIES BILL of 1874 aimed at removing certain defects in the previous Acts. The Garden Sirdars (the *arkatis*) had made the provisions of the laws almost nugatory. The Garden Sirdars enjoyed the same privilege under the proposed Bill while free-recruting was introduced. There were some ugly features in this move but in view of the impending famine, the facilities that the measure might offer for transfer of a large number of persons to tea garden areas, made the passage of the Bill easy without much opposition.

Under the leadership of Babu Peary Churn Sirkar and Brahmananda Keshub Chunder Sen the Temperance Movement had been growing in strength and volume. The Association submitted a memorial to the Viceroy supporting the movement. As a result thereof the ABKARI BILL was introduced in the Council in 1876, which through a system of licences sought to restrict the sale of intoxicating drugs. The Government assumed power under the Bill to vest the Calcutta Justices with authority to issue liquor licences.

The Epidemic or 'the Burdwan Fever' had been causing havoc to human lives in the Burdwan and Hooghly Districts.

Sir Richard Temple appointed a Committee to go into the causes of this scourge on the insistence of Raja Degumber Mitra who pressed the demand on behalf of the Association. It was pointed out that the chief cause was the saturation of the sub-soil in the deltoid districts of Bengal which was aggravated by the obstruction to the natural drainage of the country by the indiscriminate and thoughtless construction of railway and road embankments. The Report substantially vindicated the points raised by the Raja.

The IRRIGATION AND NAVIGATION BILL, 1876, contained provisions for providing irrigation and navigation facilities in the provinces under the Lieutenant Governor of Bengal. Some suggestions offered by the Association were incorporated in the Bill.

Th CALCUTTA MARKETS BILL OF 1876 sought to amend the Calcutta Markets Act authorising the Calcutta Municipality to retain the Municipal Market in the vicinity of Dharamtala Bazar of Hiralal Seal and brothers, sons of the well-known citizen, Babu Motilal Seal. The initial objection was taken by the Association on the score of the function of a Municipal Corporation, which could never include establishment and maintenance of markets. It was particularly so, because, Calcutta had for the benefit of the local people so many markets maintained by private persons. A change was made in the Bill empowering the Municipality to purchase the Dharmatala Market, on which the controversy died down.

The reception accorded by Babu Jagadananda Mukherjee (later Raja) of Bhowanipore to the Prince of Wales was adversely criticised in the Press particularly by the publication of some farce that were played on the stage. The attitude of the Government was given shape in the form of the DRAMATIC PERFORMANCES BILL. Being invited to express its opinion, the Association criticised some of the provisions and asked the Government either to remove or to modify them.



### **Prof. Henry Fawcett**

On September 30, 1872, the Association passed a resolution to forward an address to Mr. Fawcett, M.P., expressing gratitude of the Indian people for his earnest advocacy of their cause in Parliament. This was followed by a mass meeting held on November 26, 1872, under the presidentship of Maharaja Romanath Tagore. The address to Mr. Fawcett and his electors of Brighton was adopted at the meeting. The Mayor of Brighton convened a public meeting on February 4, 1873, where the address were formally presented to Mr. Fawcett and the electors of Brighton. Mr. Ananda Mohan Bose, then a mere undergraduate at Cambridge delivered an eloquent speech as one representing a vast country and said that beyond the parchment which contained the address he had been giving a 'little life and blood and flesh' to all what had been read out to them. Ananda Mohan advocated strongly for granting India a proper share in the Indian administration. He congratulated the English people for doing away with the physical slavery in the world and exhorted them to win a lasting glory by abolishing the political slavery which for all practical purposes existed in India. The services of the Association in this regard was duly acknowledged by Mr. Fawcett and Mr. James Ireland, the Mayor of Brighton, in a correspondence subsequently received.

The growing interest that the English people had been taking in India was reflected in Mr. Fawcett's success in the general elections of Britain in 1874, from two Constituencies. Brighton and Hackney. As spokesman of the India Reform Party, Mr. Fawcett advocated retrenchment, reform and reduction in taxes in Parliament. His advocacy influenced the Viceroy, Lord Northbrook, and produced a healthy change in outlook of the British people. The Association in appreciation of the services of Mr. Fawcett decided in December 1874, upon presenting a purse to him to meet his election expenses partially. The sum collected by the Association on this account amounted to about Rs. 5,000. According to the

wishes of Mr. Fawcett the bulk of the sum was invested in a trust fund to meet his future election expenses.

### **New Associations**

The Association had a number of affiliated branches in and outside Bengal. In 1873, branches at Rajshahi, Dacca, Jessore, Berhampore and Krishnagar were established. In Bombay it had the Bombay Association and the Poona Sarvajanik Sabha. There was one each at North-Western Province and Oudh. The Association was in close touch with all its branches on matters of general as well as of local interest. In the opinion of the Committee of the Association, "the diffusion of intelligence and the growth of the wholesome principle of lawful and constitutional agitation for common good, which the existence of these Associations indicate, are fraught with the most hopeful promises of the country."

By 1873, many political organisations had taken shape, and the services of Babu Hemanta Kumar Ghose and Sishir Kumar Ghose deserve special mention. The suggestion of reducing membership fees of the British Indian Association could not be accepted for various cogent reasons. Failing in their attempt in this respect they started the Indian League in Calcutta on September 25, 1875, to represent the popular views on public questions. The Indian Association was founded on July 25, 1876. From the beginning Rai Bahadur Kristo Das Pal and other leaders of the Association took active part in several moves of the Indian Association.

### **Domestic Matters**

The President of the Association, Babu Romanath Tagore was given the title of 'Raja' in 1873, and appointed a Member of the Governor General's Legislative Council for two years. Babu Degumber Mitra became the President in 1873, which post he held for two years and his term being over, Raja Romanath was again made President in 1875.



The Association was deprived of the valuable services of Babu Kissory Chand Mitra by his death on August 6, 1873.

### **Spectre of Famine**

To crown all, famine broke out in Bihar in 1873-74. The Deccan and large tracts of the Madras and Bombay presidencies were visited by the scourge in 1877 and 1878. These were followed by widespread famines in 1897 and in 1900. The loss in human life was estimated by experts to be well in the neighbourhood of fifteen million souls.

The landlords, most of whom were members of the Association, came forward to mitigate the hardship of the people due to famine. The people of Bengal contributed nearly £100,000 to the Relief Committee, Central and Local. Sir Richard Temple highly commended the services rendered by the landlords in this regard. Special mention was made of the names of Maharaja Bahadur of Burdwan, Rani Sournomoyee of Cossimbazar, Mussummat Sham Mohini of Dinajpore, Babu Bissessur Malia, Babu Ram Ranjan Chakerbarty of Hetampur, Babu Joykissen Mukherjee of Uttarpara, Rajas Joteendra Mohan Tagore and Pramotho Nath Roy of Dighapatia, all of whom happened to be the members of the Association.

A repetition of the devastation of the famine of 1770 could only be averted in 1874, with the resources of the landholding community. In the time of their greatest need the zemindars proved to be the best patrons of the raiyats.

By now, the landed aristocracy proved itself as a great strength at the elbow of the Government as well as a source of immense good to the masses. They had stood as a bulwark against the onslaughts of the Government on the spread of education amongst the masses and opposed every step of the Government that tried to put impediments to education such as enhancement of school fees, sudden and material change in the syllabus, etc.

The saving grace that marked this rather barren period was the emergence of great men, mostly products of the Calcutta University, that had shed lustre to every branch of cultural life and liberal profession, such as teaching, medicine, engineering, law, architecture, *belles lettres*, etc. They came together, at a time when they were most needed for the welfare of the nation.

### **The Association's Services**

From time to time the Association's services were reviewed by its leading members. In the twenty-first anniversary Dr. Rajendra Lal Mitra made the following observations :

“It is not to be expected that a political association founded by a conquered nation should always prove successful in its representations and petitions to the rulers of the country ; but the measure of success which has attended its labours is such as cannot but prove highly gratifying to the members of the Association. For one and twenty years they have acted in Bengal which the ‘Opposition’ does in the House of Parliament in England, criticising almost every measure of Government and watching the interest of their nation with more than partisan zeal ; and yet they have not in any respect lost the consideration and regard of the ministry in India—nay with every succeeding year they are rising in their estimation and acquiring fresh power of influence. Both the Governments of India and Bengal have frequently sought the opinion and advice of the Association in connection with many questions of importance, and several Viceroys and Lieutenant Governors of Bengal have publicly acknowledged the value of its services to Government and its country.”

### **THE CLOSING YEARS**

During the first twenty-five years the British Indian Association worked unceasingly with the aim of securing for the people of India better political rights ; better administra-



tion and an all-round development in economic conditions of the people. Again, in the words of Raja Rajendra Lal Mitra, expressed as President of the 24th Annual General Meeting held on April 29, 1876, the Association had followed "a straight course of duty which required it to serve as the interpreter of the people to the Government and of Government to the people".

At the closing of the 19th Century other organisations had come into being and it helped in instilling political consciousness in a larger number of people. Whenever it was possible without sacrificing the principle, the Association made a common cause with them and the results of its mature political experience were always available for the common good.

As a dependency India had to assist the United Kingdom in its efforts for imperialistic expansion during 1875-1900. In its war against South Africa, China and Afghanistan India had to contribute liberally in men and money. Indian interests, however, were completely overlooked and India suffered terribly in her resources and prestige as an enemy of all those countries that had become involved in war with Britain.

During this period of twenty-five years men of outstanding abilities like Lord Northbrook (1872-76), Lord Lytton (1876-80), Lord Ripon (1880-84), Lord Dufferin (1884-88), Lord Lansdowne (1888-94), Lord Elgin II (1894-99) and Lord Curzon (1899-1905) were selected as Viceroy of India. Some of these dignitaries were really well-intentioned but all of them had to work under the directions of the Secretary of State for India who had neither any direct touch with the ancient people nor was quite conversant with their feelings, sentiments, culture and aspirations. The enlightened public felt frustrated at the unbending attitude of the Home authorities and the dilatory tactics of the local officials. The Association tried

to keep up the spirits of the people and strived unceasingly to make its voice heard in India and abroad.

The period, 1875-1900, was uneventful from the point of administrative reforms. There was the INDIAN COUNCILS ACT, 1892, of no great importance to India. Lord Ripon in 1882, attempted to introduce a type of local self-governing institutions in India. Even the modest demands, in matters that had been before the Government, especially in respect of the Civil Service, remained unsatisfied.

Her Majesty Queen Victoria of England assumed the title of the "Empress of India" in 1877. The pomp and pageantry with which the occasion was celebrated in India was in sharp contrast to the frightful poverty of the people. The time was most inopportune for any such celebration as prices of agricultural produce had been going down at an alarming rate, the relations between the landlords and the tenants had been growing increasingly bitter. This was the period, when taxes multiplied in number and variety and also in their heavy pressure on the slender resources of the people. To encourage flow of merchandise from England, import duties on various items were reduced or abolished altogether. Further a countervailing cotton excise duty was imposed. Lord Mayo was constrained to remark that "a feeling of discontent and dissatisfaction exists among all class on account of the increase of taxation that has for some years been going on and the continuance of that feeling is political danger, the magnitude of which can be hardly over-estimated." As a result of all the aforesaid measures India's external debt increased considerably and exchange value of the Indian rupee fell precipitately. Every item of moment, particularly those adverse to Indian interests engaged the attention of the Association and it did not allow any of them to pass off without proper scrutiny and serious opposition.

The quality and not the numbers of the leaders of thought, men of light and leading, who joined the Association imparted



strength to it and enhanced its prestige in every possible manner.

From the inception of the Bengal Council no less than thirty-six members took their seats on it, thereby making the Association possible with occasional breaks to be represented at its deliberations.

The Association had the unique privilege of taking a leading part in every aspect of national regeneration, social, religious and political, through its prominent members. They were giants among men, such as Pandit Iswar Chandra Vidyasagar, Maharshi Devendra Nath Tagore, Dr. Raja Rajendra Lal Mitra, Mr. Monmohan Ghose, Mr. Bankim Chandra Chatterjee, Babu Kristo Das Pal, Raja Pyari Mohan Mukherjee, Raja Degumber Mitra, Mr. Ananda Mohan Bose, Dr. Mohendra Lal Sarkar, Mr. Lalmohan Ghose, etc., of whom any nation in the world would be proud to claim as their own.

There were a lot of stalwarts who had left the imprint of their experience and ability on the legislative field. They initiated fresh legislation and suggested amendments to the existing ones wherever necessary, in the Legislative Council of the Lieutenant Governor of Bengal from 1872, which include, among others, the names of Nawab Syed Ashgar Ali Diler Jung, C.S.I., Rai Issur Chunder Mitra Bahadur, Raja Peari Mohun Mukherjee, C.S.I., Maharaja Lachmeswar Singh Bahadur, K.C.I.E., of Darbhanga, Babu Bhudeb Mookerjee, C.S.I., Babu (later Sir) Chunder Madhub Ghose, Lala (Raja Bahadur) Ban Behari Kapur, C.I.E., Mr. Ananda Mohan Bose, Babu Kali Nath Mitter, C.I.E., Dr Mahendra Lal Sarkar, C.I.E., Dr. (Sir) Gooroodas Banerjee, Dr. (Sir) Rash Behari Ghose, Raja Rameshwar Singh Bahadur of Darbhanga, Maharaja Sir Harendra Krishna Deb Bahadur, K.C.I.E., Babu Ganesh Chunder Chunder, Maharaja (Sir) Ravaneshwar Prosad Singh Bahadur of Gidhour, Babu (Sir) Surendra Nath Banerjea, Mr. Lalmohan Ghose, Moulvi Serajul Islam Khan

Bahadur, Mr. W. C. Bonnerjee, Maharaja Jagadindra Nath Roy of Natore, Mr R. C. Dutt, C.S.I., C.I.E., Rai Durgagati Banerjee Bahadur, C.I.E., Rai Eshan Chandra Mitra Bahadur, Rai Bahadur Narendra Nath Sen, C.I.E., Sahibzada Mahomed Bakhtyar Shah, C.I.E., Thakur Saligram Singh, Rev. Kali Churn Banerjee, Babu Jatramohan Sen, etc.

These were all members of the Association at one time or the other in the 19th century.

The names of the members of the British Indian Association who had been, amongst others, sometime or other members of the Bengal Legislative Council or of the Bengal Legislative Assembly between 1863 and 1950 are mentioned in the *Appendix*.



## CHAPTER VII

### CONSTITUTIONAL & POLITICAL ACTIVITIES

In the field of constitutional and political activities the most important was the submission of a petition to both Houses of Parliament on May 29, 1880. It demanded, to put it succinctly, for periodical enquiry by a Royal Commission or a Parliamentary Committee into Indian affairs then prevailing and for submission of a report on the general administration of British India since the transference of the Government of the country from 'the Company' to the Crown.

The admission of both non-official and official members into the different Legislative Councils had been noted with satisfaction in India. Now the Association demanded for the removal of the great disparity in the number of the Official and non-official members by conceding to the Municipal Boards the right of electing a fair proportion of the non-official members.

The request for appointment of a Royal Commission stated above was not conceded. But the Association never relaxed its pressure in this direction and it received its partial fulfilment of its demand when the Indian Councils Act was put on the Statute Book in 1892. It was a great step forward inasmuch as it permitted municipalities and District Boards to return members to the Legislative Council subject to the approval of the Government. Further, the non-official members were given the privilege of returning members to the Imperial Legislative Council. The right of asking questions and the privilege of discussing the Budget were allowed to the members.

From the point of view of the landlords it was a distinct gain, because it provided that "one seat shall ordinarily be held by a representative of the great landholders of the

province.” The Association desired some modification to this arrangement, and suggested to the proper authorities that the great landholders of the Province should have the privilege of recommending for nomination any person from amongst the members of the Association. Under Regulation IV, the Lieutenant Governor was given the discretion to nominate persons to seats not filled by the Officials in such a manner as to secure a fair representation of the different classes of the community including the landholders.

The Chief Secretary to the Government of Bengal wrote to the Association on May 23, 1893, that Maharaja Bahadur of Gidhour had already been holding a seat in the Council and the question of nominating another member from the landholding class did not arise. The question would be considered when there would be such occasion in the future.

### **Vernacular Press Act**

The passage of the VERNACULAR PRESS ACT, IX of 1878, was effected at a single sitting of the Governor-General-in-Council. This was against the principle held and preached by the Association and it took up the matter of opposing it in right earnest. The Act imposed serious restrictions on the liberty of the Vernacular Press and was violently opposed wherever its provisions were discussed not excluding the Houses of Parliament. It was seriously pointed out that the provisions of the Act were inconsistent with the tradition of and the progressive policy followed by the British Government in India. The point of view of the British Indian Association was expressed in a most emphatic manner. It held that a free vernacular press was absolutely necessary for the governance of a country like India on the score that the rulers happened to be aliens to the country without any ideas of the customs, religion, etc., of the people, and did not possess the requisite opportunities for assessing the under-currents of popular opinion. From its own experience, the Association could say with certain amount of intimate knowledge of the



country that it was not a fact that the Press showed sedition and disloyalty and was, therefore, to be regarded as a public danger. The views of the Association were communicated to Parliament in due course.

The Government moved with the idea of bringing the vernacular press under better control and to check seditious and scurrilous writing more effectively. Under Sec. 5 of the Act the publishers were given the option of submitting the proofs of their writings to an authorised Government official and thus to protect themselves against the punitive sections of the law. Faced with severe opposition from the public and the press, the section was repealed on October 16, by Act XVI of 1878. It may be pointed in passing that the Act was directed against the *Somprakash* edited by Pandit Dwarkanath Vidyabhusan whose fearless criticism had put the Government in a very awkward position times without number.

A Liberal Government under Mr. Gladstone came into power in England in 1888. As a Member of Parliament Mr. Gladstone had denounced the Press Act before he headed the British Cabinet. Marquis of Ripon, the Viceroy of India at the time, issued instructions for the repeal of the obnoxious Act which was replaced by Act III of 1882. The disquieting feature of the new Act was that it retained the old provision empowering the Post Offices to search for and seize any vernacular publications of a seditious nature the importation of which had been prohibited under the Sea Customs Act of 1875.

### **Import Duty on Cotton Goods**

The proposed legislation for abolishing the import duties on cotton goods agitated public mind in 1879. On March 8, a deputation of some of the prominent members of the Association met Lord Lytton to point out to him the difficult position of Indian finance which militated against the abolition of the import duty at the time. The famine conditions ravaging

a large part of Northern India, rise in the price of essential commodities, increase of taxation, imposition of Road Cess were some of the measures that were causing concern to the people. Moreover, the Opium Revenue, dependent on the caprice of a foreign nation, had an element of instability inherent in it. The loss sustained by the Indian exchequer for depreciation in the value of silver in connection with the remittance of Home Charges, the cost of the Afghan War met from the Indian revenue were some of the grave issues that put a heavy burden on the slender resources of the Indian people.

Lord Lytton expressed his inability to accept the points advanced by the Association. His objections were many and he started with the language of the petition as it did come from the most favoured of the Indian subjects more especially so because they represented "to some extent the wealthiest class in India." He was very severe on the landholding class because they had the hardihood of criticising the Bengal Land Cesses "which fall mainly on your own class", and also because they had not "shrunk from advocating and urging on my adoption of other forms of taxation which fall almost exclusively on the great body of the poor."

His Excellency was pleased to draw the notice of the Association to the decision of Parliament which declared the duty levied on cotton manufactures as 'protective in their nature and contrary to sound financial policy', and as soon as the financial condition would improve this duty was to be repealed.

The tone, temper and language of Lord Lytton evoked countrywide agitation. It was declared to be 'ungracious and unbalanced'. At the Annual General Meeting of the year the Chairman Raja Harendra Krishna Bahadur was constrained to remark that the 'scolding lecture' of Lytton "was lamentably lacking in good taste and sobriety of judgment." It was unworthy of a gentleman holding such a high and



responsible position to be 'lacking in dignity' and losing temper, "displaying feminine petulance and the uncharitable spirit in which he interpreted the words of the memorial." It did not behove His Excellency to contradict himself by saying that he was most anxious to encourage disinterested criticism and spontaneous expression of opinion while castigating the action of the deputationists in a most unseemly fashion.

Extreme discourtesy shown to the deputationists was considered as a national affront and the newspapers gave expression to the depth of indignation in their editorial comments in an unmistakable term. *The Englishman* (March 13, 1879) could not admit that "there is one passage which is notably open to objection". *The Pioneer* (March 12) held that "the argument of the deputationists . . . is simply unanswerable." *The Bengali* (March 15) wrote that "the reply was harsh, undignified, ungraceful, inconsistent with the traditions of the high office which Lord Lytton has the honour to fill and wholly wanting in that refined polish, characteristic of the utterances of English statesmen." *The Amrita Bazar Patrika* (March 15) found for the first time in the annals of the British Empire the Viceroy losing his temper. *The Delhi Gazette* (March 12) compared Lytton's outburst with that of "an angry female." *The Madras Mail* found the speech to be a complete failure and to be "the hysteric volubility of an angry scold". *The Madras Times* characterised Lytton as 'a Lancashire partisan'. *The Hindoo Patriot* (March 10) took the speech as a specimen of villifying a person whose argument is difficult to be answered. *The Hindu* (March 21, 1879) was happy to note that the Association 'carried the sympathy of the whole nation for whose good it had risked its dignity and suffered insult.'

The whole newspaper world came down upon His Excellency who seemed to remain unmoved. In 1894-95, his Government imposed an import duty from the operations of which cotton goods were exempted. There was great dis-

satisfaction throughout the country and the Government was accused of having subordinated the interests of India to obtain the support of Lancashire. To counteract this evil the Association launched upon a countrywide agitation which had the support of the Bengal Chamber of Commerce, the Trades Association and other public bodies.

A public meeting was held at the Town Hall on March 8, 1894, with Raja Narendra Krishna Dev as President. It protested against the exclusion of cotton yarn fabrics from the purview of the proposed Indian Tariff Bill. By another resolution the meeting called upon the Viceroy's Legislative Council to throw out the Bill unless it was amended. The Government paid no heed to the public demand.

On January 24, 1895, 'two Bills were passed in the Imperial Legislative Council. The first, THE INDIAN TARIFF ACT, 1894, exempting yarns of all sorts from all duty, reducing import duty on cotton goods from 5 to  $3\frac{1}{2}$  per cent. The other Bill was intended to impose and levy certain duties on cotton goods which meant an imposition of a countervailing excise duty upon cotton goods manufactured in India. It was sure to affect the Bombay mills that had been struggling against odds. The saving grace was that exemption of yarns from import duty was most likely to give some impetus to the handloom industry. The Association apprehended that there was hardly any chance of justice being done to India so long as 'legislation by mandate' continued to be rule of procedure in the Viceregal Council."

### **Dramatic Performances Act**

THE DRAMATIC PERFORMANCES BILL was another matter of much political importance on which the opinion of the Association was invited by the Government on June 30, 1876. The "*Chakur Darpan*", a vernacular drama written in a libellous vein against the European Tea Planters was the cause of introduction of the Bill. It provided *inter alia* that the local



Government or any officer empowered in this behalf to prohibit any performance of any play, pantomime and other drama of a scandalous or defamatory nature, or likely to excite feelings of disaffection to the Government, or likely to deprave and corrupt persons present at such performance, or alternatively prejudicial to the interests of the public.

The Association in a representation expressed its views on the points of the Bill seriatim. It contended that in case a drama proved to be libellous, the arm of law was sufficiently long to deal with it. By way of example *Nil Darpan* was cited where the existing law was sufficient to bring redress to the aggrieved party. The Association could not conceive of any case where any dramatic performance preaching depravity and/or corrupting the morals of the audience has escaped without punishment as the Indian Penal Code provided punishment for obscene and immoral representation in any shape or form. The Association found that the Bill merely substituted the agency of the State for that of the private individual for defamation and dispersed with a formal trial which was essential for the ends of justice.

In the opinion of the Association the public stages for dramatic performance, like the printing establishments, might be brought under some sort of licensing system. If anybody was found transgressing the provisions of the law he might easily be hauled up before a court of justice. The Association very strongly emphasised that in a country like India where the influence of public opinion was feeble, where the executive enjoyed a wide discretion, where the rulers possessed doubtful critical knowledge of the language of the ruled and the national literature had just been emerging out of a quagmire, the arbitrary power envisaged in the Bill might be deleteriously exercised against the liberty and literature of the people.

As there was a great difference in matters of customs habits, dress, sense of decency between the European and

Indian standards it would be hardship on the part of the latter to be judged by that of the former. In a case at Jessore in 1874, a European Assistant Magistrate felt so much outraged at the sight of scantily dressed persons in a *jatra* performance that he caused the party to be prosecuted before himself on a charge of obscenity. Fortunately for the accused, the District Magistrate intervened and the case was dropped. The argument in respect of dress was what was applied to the Greek gods and goddesses but there had been no objection on that score. If the provisions of the new law were to have been rigidly applied to Indian performances that would result in a serious interference with the innocent amusements of the people.

### **The Royal Commission**

It became apparent that cases of glaring misrule and suppression of the just rights of the people could not be remedied by individual representation. It became absolutely necessary to take joint action in such matters. The British Indian Association took upon itself the task of canalising the newly awakened national consciousness of a people that had so long lain dormant under unpropitious circumstances.

A conference was held under the aegis of the British Indian Association, the Indian Union and the Indian Association in the rooms of the Association on December 25, 1885, and the two following days. Delegates from different parts of Bengal, the Orissa Peoples Association and the Bar Association attended the meetings. Prominent people like H.H. Maharaja Luchmeswar Singh Bahadur of Darbhanga, Mr. H. I. S. Cotton, Dr. Gooroodas Banerjee, Babu Surendra Nath Banerjea took part in the deliberations.

The Conference in a resolution affirmed the need for the examination of the Indian witnesses in India on the practical working of the system of Government introduced by the Act of 1858, and the subsequent statutes. They wanted the



appointment of a Royal Commission which could alone send out a Sub-committee and take evidence in India.

A joint Committee of Lords and Commoners accordingly was appointed, but under the restricted conditions laid down by Lord Kimberley; and the Constitution of the Committee consisting as it did of a large number of retired Anglo-Indian officials whose work it would have been necessary for the Committee to examine and report upon, there would hardly be any chance for the examination of witnesses in India, or of the enquiry proving so thorough and complete as it was desired.

This, and other momentous matters such as the Arms Act, Reconstitution of the Legislative Councils, Civil Service rules, separation of the judicial from the executive, administration of criminal justice, reconstitution of the police, etc., etc., were discussed. The Conference demonstrated beyond all shadow of doubt that though the different organisations had been ordinarily working in their own way there was absolute unanimity in matters of vital importance to the country.

### **India's Case before the Public**

While trying to present a united front to the Government the Association did not like to lose its identity by sacrificing its principle. In 1885, a series of twelve leaflets were issued by the Bombay Presidency Association allegedly representing the case of the Indian people, for and on behalf of the British Indian Association, the Indian Association (of Calcutta), the Sarvajanik Sabha (Poona), the Mahajan Sabha (Madras), the Sind Sabha (Karachi) and the Praja-Hita-Bardhak (Surat). These leaflets comprised: (1) Indian Appeal to the English Electors, (2) Is India lightly taxed? (3) Why is Lord Ripon loved by the Indians? (4) Coastlines of British Administration, (5) Mistrust of Anglo-Indian Opinion, (6) Imperial Stock-taking, (7) Is India Part of the British Empire? (8) Manchester's Interest in India, (9) 21% Growth of Indian Military Expenditure in 21 years, (10) Why

do Indians prefer British to Indian Rule ? (11) The appalling Costliness of the Indian Army, and (12) The Native States of India.

The leaflets advanced the salient points of the subjects respectively dealt with in each. The Association agreed to meet a part of the cost on the condition that these would not bring into play any disputed point. But objections were taken by the Association to para 7 of leaflet No. 3 where it was said that Lord Ripon was loved "because he instituted healthy land reforms to mitigate the growing hardship of the indigent peasantry, and to improve cultivation." This the Association pointed was not borne out by facts as was evident from the assemblage of 50,000 peasants at Jhinkargacha to protest against the provisions of the Bengal Tenancy Act. Moreover, the land policy of Lord Ripon was denounced by the landholders of Bengal, Bihar and Orissa.

### Emergence of the "Congress"

The British Indian Association had the great satisfaction of helping the Indian National Congress to come into being and co-operate with it so long as there was no conflict in the principle followed by them. The correspondence that passed between these two institutions would bring out the question in bold relief.

A series of enactment and administrative measures repugnant to Indian interests had roused the indignation of the people which had been struggling hard to find an outlet. This was necessary both for the rulers and the ruled so that the accumulated discontent might not go underground. Mr. Allan Octavius Hume, with the support of Lord Dufferin wanted to have an organisation that might play the part of the Opposition as in the United Kingdom. Men of advanced political thought of Bengal, Bombay, Madras and other parts of the country decided to meet at Poona during the Christmas in March 1885. Due to an out-break of epidemic the Conference could not be held at that place in December, as scheduled.



The venue had had to be changed to Bombay and the first session of the INDIAN NATIONAL CONGRESS was held at 12 noon on December 28, 1885, in the hall of Gokuldas Tejpal Sanskrit College under the presidentship of Mr. W. C. Bonnerjee. As the Association had seldom left any matter of public importance out of its consideration in the past, the Indian National Congress discussed almost the same problems in its own way.

The second session of the Congress was held in Calcutta in 1886, in the hall of the Association. About the Association's share in it, Sir Surendra Nath Banerjea writes in his memorable book, *A Nation in Making*:

"What was remarkable was that the British Indian Association, representing the landed interest, and what I may call the conservative conscience of the community, threw themselves heart and soul into the matter. The illustrious Raja Rajendralal Mitter ..... was elected Chairman of the Reception Committee, and Babu Joy Kissen Mookerji, the Nestor of the Bengal Zemindars, then in his seventy-ninth year, proposed the election of Dadabhai Naoroji as President of the Congress.

"Raja Rajendralal Mitter, Kristo Das Pal, Raja Degumber Mitter and Maharaja Jotindra Mohan Tagore formed what I may call the political group of the British Indian Association. Kristo Das Pal was their leader; but Rajendralal Mitter was the literary genius of the group."

The Congress requested the Association to elect delegates for the Congress to be held at Allahabad in December 1888, and invited suggestions regarding some "tentative rules" and other matters relating to the Congress. On December 6, 1888, the Association forwarded its observations to the Congress Committee for its consideration.

Its reaction was a critical one as the proposed new rules affected the interests of other organisations of long-standing. The Committee of the Association asked for more information as to what was intended to be done under the new rules. It

was contended by the Association that the Congress had been looked upon as "a casual gathering which came together for the consideration of some specified subjects" and then dispersed. It was so arranged that to give a representative character it should consist "of the delegates from different existing public bodies and of other representative men from different parts of the country, who would as a body be the most competent to give a frank, free and honest expression of opinion regarding the wants, feelings and aspirations of the community at large." Though working under the name of the Congress, the previous three Sessions were each distinct from the other which "had its own office-bearers and its own programme of work" and "their work was not the work of the same public body" though there was a continuity in the deliberations of the subject matter of each different Congress.

The proposed draft rules envisaged a radical change in that respect inasmuch as it was going to be a permanent public body like some other political bodies that had existed from before. The Congress was going to have its Standing Committees, conferences at regular intervals, and other provisions just like any other permanent body. It was clear that it was going to be a distinct political organisation and "no where and in no respect showing any subordination to or co-operation with them . . . . . There is nothing provided to consult or obtain the opinion of, the existing public bodies as to form a general consensus of opinion before holding a general meeting of the Congress for the discussion of a subject."

The Association further contended in the same note that so far as could be then known the new organisation with its *aims and objects*, as "the improvement and efficiency of the British Indian Government, and thereby to advance the common interests of Great Britain and India and ameliorate the condition of the native inhabitants of the subject country" by "all legitimate means" were not going materially to differ from the existing ones. As the Congress was going to have



its distinct character in respect of a permanent political organisation, it was apprehended that the Association and other similar bodies would have to lose their respective autonomy and submerge themselves into a secondary position without much of their independence of thought and action that they had enjoyed since their inception.

It would have been, the Association pointed out, better if an annual Conference could be held under the aegis of the Congress where representatives of all existing organisations could meet and discuss upon a common programme regarding welfare of the country. If all the organisations were to merge into one, the Congress, and in the light of their old traditions was to act separately with regard to particular questions, there was likelihood of a division in the counsels of the Congress, which could not but weaken it; and "the opinion expressed by the Congress would not command that degree of respect which it alone can benefit the cause it advocates."

The election of the local Committees as suggested by the Congress was not satisfactory. "The representative character of the Congress, further strengthened by inclusion of members of other organisations," the note of the Association pointed out, "invests it with so much importance, and every effort should be made to preserve this character. No political Association of the country can feel the least hesitation in sending delegates to a Conference" but not to a permanent institution which had its own characteristic way of handling matters.

If the Congress would insist on having its rules imposed on other organisations, like the Association, then the alternative was to "cause secession of a great number of associated bodies whose co-operation is of vital importance to the Congress." As the final outcome depended on the decision of the Congress, it was earnestly requested to

"give the matter its serious consideration . . . . and give a definite reply so as to enable them to decide the question of sending

the delegates. The Committee are clearly of opinion that the Congress should simply be a conference of the representatives of the nation and nothing more, and with that view it should dissolve itself as soon as its sitting was over, leaving the different political Associations of the country, to carry out the objects of the conference in the way most agreeable to them. In this way unification of public opinion will be secured, while independence of action of the different Associations will be recognised and respected."

Another suggestion advanced was that :

"the Conference or Congress should confine themselves to the deliberation of those matters only which are previously notified and formally submitted to them, and to such expressions of opinion regarding them as the delegates or a great majority of them formally recommend at a meeting."

After much deliberation the Association respectfully declined to merge itself with the Congress and decided to meet together oftener and deliberate on the topics of the day. It also decided upon frequently conferring with representative men of other countries for interchange of thoughts and ideas thereby promoting social intercourse between them. These were to be attained through a Conference held from time to time where the Members of the Association, their friends, official and non-official Europeans, foreign visitors and others with the same objective would be invited to attend.

### **Distinct from the Congress**

The first Conference was held on February 15, 1896. Amongst other matters the Conference discussed the Lakheraj Cess, the jury system and scarcity of water in the mofussil. The first conversazione was held on February 21, which was attended by the Lieutenant Governor, the Chief Justice, Members of the Viceroy's Executive Council, Judges of the High Court and many other high officials of the Government and a large number of members of the learned profession.

The Association participated in the Bengal Provincial Conference held at Natore, Rajshahi, held on June 10, 11,



and 12, 1897, in which the Association was invited to send its representatives. Five Members, viz., the Hon'ble. Maharaja Jagadindra Nath Roy, Raja Pramatha Nath Roy, Mr. Dwipendra Nath Tagore, Mr. J. Ghosal and Mr. A. Chowdhury were elected for the purpose.

At the outset the Conference condoled the death of Mr. Manmohan Ghose. It congratulated the Queen Empress on her Diamond Jubilee and a large number of matters bearing on the welfare of the common people, the peasants, and administrative matters such as separation of the judiciary from the executive, were discussed and appropriate resolutions were passed on them.

The National Mahomedan Association submitted a memorial to the Government in 1862, for a fair share of employment for Muslims in public service. Hitherto admission was guided by educational tests. The Government was prepared to give the Muslims every chance in this matter provided they would qualify themselves for the respective posts. As the principle completely tallied with that held by the Association, it had no difficulty in supporting the Government view when asked to give its opinion on the subject.

### **The Bangabasi Case**

The Association by now had almost assumed the position of taking up matters that involved self-respect of the Indians and national prestige at large.

In the *Bangabasi Case* which attracted a great deal of publicity at the time, the Proprietor, Mr. Jogendra Chandra Bose, the Editor, Mr. Krishna Chandra Banerjee, Manager, Mr. Brojoraj Banerjee and the Printer and Publisher, Mr. Arunoday Roy, were prosecuted at the instance of the Calcutta High Court under Section 124-A, I.P.C. for publishing certain articles in the issue of the weekly *Bangabasi* of March 21, May 16 and June 16, 1891, one of which was on the Age of Consent Bill. In the opinion of the Chief Justice of Bengal

the articles purported to excite feelings of enmity and ill-will against the Government and to hold it up to the hatred and contempt of the people. The jury constituted for the trial was composed of seven Europeans, one Armenian and one Bengali gentleman. The jury disagreed in their opinion and it was discharged by the Chief Justice who presided over it.

The British Indian Association at this stage recommended to the Government not to pursue the case any further and under orders of the Lieutenant Governor the proceedings were dropped.

### **Advent of Violence**

A sad incident marred the *Diamond Jubilee* celebrations in Poona by the assassination of two Government Officials, Mr. Rand and Lt. Ayerst on the very same night when they had been returning from the Government House. There was general regret over the incident in the country and the Government adopted some very stringent measures against those whom the police suspected to have had anything to do with the outrage. Mr. Tilak was arrested and the Natu brothers were deported. The Association discussed the matter in one of its meetings and expressed deep resentment over the arrest of Mr. Tilak.

### **Indians in South Africa**

Mr. Gandhi, as he was then known, a practising Barrister in the courts of Durban, was constituted as the Agent of the British Indian subjects in that Colony at the time, in which capacity he wrote to the Association in November 1897, to draw the attention of the Government to the grievances of the British Indian subjects in South Africa. He explained at length in a Conference with the Committee of the Association the various difficulties which the Indian population there had been suffering from. Natal had a majority of Indians. To give a blow to the Indian community there the franchise law was amended in order to disenfranchise all the Indians in



Natal. To add to this the Immigration Law was amended with the intention of reducing the Indian settlers to the status of an indentured labour with no opportunity for occupying any higher social position. The next point of irritation was the treatment meted out to the Indians in the Crown Colony or Zululand, Orange Free State, the Transvaal as compared to the very generous treatment accorded to Indian settlers in Portuguese Africa.

Taking all matters into consideration the Association recommended immediate suspension of emigration to the Colonies where Indians were maltreated.

The anti-Indian move in Natal assumed serious proportions and the Indians who had arrived at the Port were not allowed to land. Meetings were held to force the Government to deport back the Indians to their native country. The firm attitude of the Colonial Office saved the situation. In the opinion of the Association the situation, bad as it were, required some drastic measures to counter the move of the non-Indians that had made the lives of the Indians miserable.

There were no dearth of liberal minded Englishmen who could champion the cause of the Indians. Such great political figures as Mr. A. C. Hume, Mr. John Bright, Mr. Henry Fawcett, Sir William Wedderburn, Mr. William-Ewart Gladstone and several others were not slow to come to the forefront to take up the cause of the Indians in their struggle for constitutional privileges.

It seemed extremely anomalous to the Indians that most of the legislations affecting them were passed by the British Parliament during the seventies of the last century, and the Bills proposed to be introduced were published in the London Gazette instead of in the Gazette of India. In most cases the Indians were kept absolutely in the dark till the provisions of a particular Law were applied to the Indians. The Association wrote to Mr. Fawcett stating the grievances of the

Indians on this score with a request to take up the matter with the authorities, if possible, with a view to remove them.

In the death of Mr. Henry Fawcett in 1885, England lost a philanthropic statesman, and the British Indian Association a sympathetic collaborator.

### **“Indian Society” in England**

It was the considered opinion of the Association that the relations between the rulers and the ruled in India could be considerably improved through proper understanding of each others' viewpoint.

In 1870, Lord Northbrook expressed an idea of establishing an institution in England for taking proper care of Indian youths who would be in England for higher education. It was formally opened in 1880, under the name of “Northbrook Indian Society Club.” It was most likely that through such an organisation there would be greater facility for healthy social intercourse between the Indian students in England and Englishmen who might feel interested in Indian affairs. The Prince of Wales became a patron of the Society. It was found necessary that the Institution should have a permanent home of its own in a suitable locality. The cost of the land and building was estimated at £10,000 to be raised by public subscription. Lord Northbrook wrote to Mr. Kristo Das Pal, the Secretary of the Association, to issue a public appeal for the purpose. The appeal was published in the *Hindoo Patriot* copies of which were sent to prominent members of the Society.

About a decade thereafter, the Indian section of the Governing Council of the Imperial Institute in London was constituted, according to the rules framed in accordance with the suggestions of the Government of India, with fifteen members to represent the commerce and industries in India. Two out of these fifteen members were to be nominated by two Indian Institutions. The Government of Bengal, in forward-



ing a copy of a circular of the Government of India in the Revenue and Agricultural Department, dated May 16, 1891, requested the Association to nominate one of these two representatives for the Indian section of the Council. The circular pointed out that the nominee need not necessarily be a member of the Association, but he must be a resident, either temporary or permanent, in England. In compliance with the request, the Association nominated Sir William Hunter, K.C.S.I., to represent this Association on the Imperial Institute.

## PART II

(1877-1899)

### CHAPTER I

#### RELIGIOUS AND MORAL ACTIVITIES

The British Indian Association always maintained an open mind in matters relating to religion whether it related to individuals or the community. It did never subscribe to any sectarian creed and always looked with disfavour any—over enthusiasm on the part of votaries of any particular religion. It was more so when it concerned the state policy of India.

The Government of India used to appropriate for the support of a church establishment in the interest of only a handful of its Christian subjects a large sum from its revenue derived from all classes of the people.

The Secretary, Indian Church Dis-establishment Society invited the Association to join hands and on January 24, 1877, at a general meeting it was decided to send a representation to the Government for withdrawing its support, financial or otherwise, to any or all ecclesiastical establishments without and distinction. Babu Rajendra Lala Mitra took the initiative in the matter and he pointed out that the action of the Government of India was a violation of its pledge of religious neutrality. Moreover, it was most inappropriate to spend money for a particular religious establishment when retrenchment was contemplated for effecting economy.

#### **Rest House at Bodh Gaya**

The Association received some papers in connection with a friction that existed between the Hindu pilgrims to the temple of Bodh Gaya and a number of Buddhist priests who had kept an image brought from Japan in the rest house



attached to the shrine. The idea of placing the image in the temple was resisted by the Mohant who was armed with the judgment of the High Court in his favour. The image placed in the rest house gave it a character of a Buddhist shrine, and even in the face of the decree of the High Court the Government did not move in the matter on the ground of maintaining an attitude of 'strict neutrality' in religious matters. The Association in a representation to the Lieutenant Governor pointed out that the presence of the image changed the character of the rest house and would remain as a permanent source of friction between the two communities.

### Intoxicants

Addiction to alcohol and narcotics like ganja, opium, etc., was extremely common amongst a large section of the population. The alarming feature was the growth of a drunken habit as the result of the contact of the Indians with western people which had been spreading to the lower classes of rural population with lightning rapidity. The report of the Bengal Excise Commission showed the increase in consumption of spiritous liquors from 1,946,621 gallons in 1875 to 2,368,737 gallons in 1883-84.

The very fact that the system of the Government "by which the right to license out stalls to the highest bidder" on the assumption that this was the only "means of taxing the consumption and of providing against illicit distillation in scantily inhabited tracts and in areas bordering on Native States", was extremely defective. This was pointed out by the Association and other relevant information that the Association supplied was availed of in the debate of Parliament in regard to the excise revenue of the Government. On February 7, 1888, the Association sent a further note to the Government to the effect that the Congress had never said that India was sober and it had been made drunken under British Rule, but it was on the increase "due largely to the

extension of spirit licenses granted for purposes of excise revenue.”

### Opium

The Government derived a large income through opium trade with China. Poppy was grown in Patna, Benares, Malwa and some other parts of India under licenses granted for the purpose. In 1893, a Royal Commission was appointed to conduct an enquiry into the cultivation and consumption of opium in India with a view to its prohibition and suppression. On August 23, 1893, a deputation on behalf of the Association waited on the Lieutenant Governor to present him with the people's viewpoint.

It was an accepted fact that narcotics in some form or other had been in use in this country from the remotest times as it had some beneficial effects, and in a sense was necessary for a large section of the poorer section of the population such as people working in the swamps, marshes, etc., of lower Bengal as also to *palki*-bearers and fishermen.

Total prohibition, the Association contended, would increase consumption of alcohol, and crime was more common with the alcohol addicts than with the users of other narcotics. Stoppage of export would involve the State in the loss of revenue, and great hardship to cultivators who had to depend on the yield of this crop. Moreover, larger taxation of an already over-taxed people would be necessary for reimbursing the loss of revenue.

The Association protested against meeting a part of the cost of the Commission from the Indian exchequer.

The Commission, instead of suggesting total prohibition, favoured the idea of reducing cultivation of poppy. The volume of trade was reduced and the revenue suffered without any proportionate gain in lessening the use of opium. On the other hand consumption of alcohol increased greatly.



## **Hemp**

The Indian Hemp Drug Commission was appointed by the Government in July 1893, to report on the effect of consumption of hemp drugs in India. The Association, in reply to the questions put to it by the Commission, pointed that to force the people to forego its use would cause serious privations to them. Moreover, to persons suffering from chronic bowel-complaints and loss of appetite, bhang was taken as a sort of valuable remedy. The drug was also necessary for those who had to work in the sun, keep up nights or undergo hard manual labour. In the face of doubtful results, its prohibition would cause serious discontent amongst its votaries. In view of the very small number of the users, such a step, the Association held, was not called for.

After detailed examination the Commission submitted its Report in 1894. The Government issued a resolution in March 1895, in which it submitted that the matter was of considerable importance to Bengal as it was intimately linked up with its revenue and that the insanity caused by the use of narcotics was of a shorter duration than what was caused by other factors ; and that there were no such serious ill-effects, physical, mental or moral, attendant on the use of hemp drugs as were popularly believed before the Commission came into being.

## **Age of Consent**

The death of a childwife, aged eleven years and a few months by one Hari Maiti, caused considerable excitement amongst the public and a Bill, the Age of Consent Bill was introduced in the Supreme Legislative Council with the object of amending Section 375 of the Indian Penal Code by raising the age of consent from 10 to 12 years. The Hindu Community, at least a large section of it interpreted the suggested amendment as interfering with the religious rites and usages of Hindu marital life. The Association took up the matter with the Viceroy and requested him to defer the reference of the Bill to the Select Committee by at least six weeks. On

January 22, 1891, the Association was informed that the Bill would be referred to the Select Committee on the very next day with instructions to report within five weeks. In the face of widespread opposition the Bill was passed into law in February 1891.

### **Dowry**

The question of dowry in Hindu marriages had been agitating the public mind for a long time and a well-known Bengali gentleman, Babu Rasiklal Roy, had been striving for reduction of marriage expenses of the Hindus. The Association was in full sympathy with the efforts of Babu Rasiklal Roy but pointed out that a reform of this kind should proceed from within by gradual spread of education and growth of liberal ideas, legislation being ineffective in bringing about the desired result. Moreover, when the payment of dowry was spontaneous, it should not be allowed to be of any cause for unhappiness between the contracting parties. A movement for the abolition of dowry was set on foot by Babu Ramanath Ghosh without much result.

### **Public Charities**

The Association encouraged public charities as best as it could. Maharaja Bahadur Joteendra Mohan Tagore, K.C.S.I., created the Maharajmata Sibasundari Debi Hindu Widows' Fund in 1892, with a corpus of Rupees one lakh, Babu Manilall Mallick made a gift of Rs. 25,000 in July 1893, to be deposited with the Government of Bengal for the purpose of founding with the interests thereof a fund for the education and maintenance of Hindu male orphans. The donor requested the British Indian Association to nominate either their President or one of the Vice-Presidents to be a member of the Committee and the services of its Secretary to administer the Fund, as also to permit the use of a room for its meetings to be held once a month. The Committee of Management of the British Indian Association gladly acceded to the request and agreed to bear the responsibility.



### Minting

On the question of transferring the minting operation from Calcutta to Bombay by the closure of the Calcutta Mint the British Indian Association submitted a representation to the Government on January 4, 1887, to the effect that while there was no likelihood of any appreciable economy, great injury would be done to the interest of trading and commercial communities. The freight both ways of sending the bullion and to receive the coins in Calcutta would have to be borne by the merchants and it was also doubtful whether the Bombay mint had the capacity to mint as much as Rs.  $4\frac{1}{2}$  crores a month. It was also a moot question whether the Bombay mint had the capacity to undertake the copper coinage for the whole country and Burma together with functioning as the Mint for the Government of Ceylon and the Straits Settlements. The increasing export trade of the country required constant supply of the silver and copper coins. The Metropolis of India, held the Association, should not be without a Mint for the sake of doubtful economy. The proposal to abolish the Calcutta Mint was subsequently abandoned.

The practice of forging currency notes and bank notes also engaged the attention of the Association. The Indian Penal Code, which was passed prior to the introduction of paper currency in this country had no special provisions for the protection of currency notes and bank notes from forgery. To meet the contingency Section 489-A was proposed to be amended to punish any person who might be found in possession of a forged currency note "without lawful authority or excuse". The Association took exception to those words on the score of their being rather vague and certainly capable of being interpreted in a variety of ways.

In matters of public finance such as taxes, expenditure incurred over mints, etc. the Association would in a general way advance comments as and when necessary.

### **Afghan War**

In view of the equities of the Afghan War and the grave financial situation in India in 1879, the British Indian Association opposed the idea of India defraying the expenses of the War. It moved both the Houses of Parliament and strongly urged not to burden the Indian exchequer with the expenses, as the war was being fought with the primary object, as stated by the British Prime Minister, "of maintaining the character and influence of England in Europe".

### **Dongola Expedition**

In the middle of May 1895, a British expedition was sent to Dongola to break up the power of Madhi, reconquer the Sudan for the Egyptian Government and to neutralise the effect of the disaster caused to Italian troops by the Army of Emperor Menelik of Abyssinia. To help in the expedition a contingent of Indian troops was ordered to proceed to the scene of action. Profited by the experience of the past the Association strongly protested against charging India with any portion of the cost of the Shaukin Expedition. It sent a telegram to the Government of India and a memorial through the Bengal Government. On a debate in the British Parliament the Cabinet allotted the ordinary expenses of the Indian contingent to India and all the extraordinary expenses were directed to be borne by U.K. It was thus able to save a lot of Indian money from being wasted over an affair in which India could have no interest at all.

### **Taxation**

Since the transfer of administration from 'the Company' to the Crown, the question of public finance was more closely watched by the Committee of the Association. In spite of adoption of various measures to place finance on a sound footing deficits, loans and fresh taxation were the annual features in the Indian budget. The military charges had been incredibly increasing and in spite of Lord Canning's declara-



tion that this should not exceed £12,500,000 per annum it was £15,500,000 in 1880-81. In the opinion of the Association the enormous increase in military expenditure, amalgamation of the Indian Army with the English Army and inequitable principles of the Home military charges of India required immediate revision.

### **Public Works Department**

Owing to absence of sufficient private enterprise the development of the resources of the country greatly depended upon judicious execution of public works and the entire responsibility devolved upon the State. The Association maintained that the expenditure should be kept within the means of the people and that it should be conducted with due care, economy and forethought.

### **Control of Finances**

For bringing the administration of the finances under proper and efficient control a new system of provincial finance was introduced by the Government which allowed a greater administrative independence to local Governments and enlarged the scope of local taxation. The burden of taxation had been steadily on the increase. In the opinion of the Association it made little difference whether the new tax was imposed by the Central or the local Government but it was fair that the people taxed should have some voice in the administration of the provincial revenues in the shape of a local Consultative Council or by the extension of the powers of the local Legislative Councils in financial matters so as not to leave them in perpetual minority. The people had showed their competence in the handling of municipal funds and there was no ground to think that they would fail in the matter of provincial finance. In 1877-78, a new tax was imposed as FAMINE INSURANCE FUND and the collected fund was actually used for other purposes. The Association pleaded for ensuring a strict public vigilance on Governmental imposts and advanced its claim to take a share in the responsibility.

### Centre and Provinces

Under the Decentralisation Scheme of 1870-71, the financial relation between the Centre and the Provinces underwent a great change. Eighty-seven subjects hitherto under Imperial control were surrendered to the Local Government on condition of payment of a fixed annual contribution to the Imperial Treasury. The heads comprised excise, stamps, a part of the customs, salt, marine and miscellaneous receipts. The Local Governments had to depend on Imperial grant to meet its various items of expenditure; while the Central Government had to find resources for finances required for the extension of railways and irrigation projects. To meet the contingency the PROVINCIAL PUBLIC WORKS ACT II of 1877, was passed in June with a view to provide for the levy of a cess for the construction charges and maintenance of provincial public works. Under the new Act the Road Cess valuations were made the basis of the new additional assessment. The rate of the cess was to be fixed by the Local Government.

### Salt Tax

The Salt Tax yielded the maximum revenue to the Central Government with the minimum of trouble and oppression to the people. Equalising salt duty as proposed by Government would involve a reduction of duty in some provinces and increase in others. The Association opposed the idea on the ground that equalization of duty would increase it in the Presidencies of Bombay and Madras by about 40 per cent, whereas in other provinces there would be loss of revenue owing to the reduction of the duty resulting in a total loss of about 60 lacs of rupees per annum to the State.

The Government of India informed the Association that their Memorial would receive due consideration.

To the Government's proposal to encourage indigenous salt industry the Association suggested removal of impedi-



ments that stood in the way of its development. Invidious distinction existed between Orissa and Midnapore and the rest of Bengal. There was a difference of Rs. 35 to Rs. 40 per hundred maunds between the prices of the indigenous and the imported salt. The cost of warehouse establishment was much to the advantage of foreign manufacturers, it tended to increase the price of salt in general providing additional advantage to the foreign product.

### **Market Toll and Mooring Dues**

A draft of a Bill to declare illegal the collection of dues on certain *ganjas* and markets and from boats on navigable rivers, and to provide for the conservancy of public fairs was forwarded to the Association for its considered opinion. In its reply the Association pointed out that the levy of dues, tolls or taxes on *ganjas* and *hats* except where there had been a settlement with the proprietor of any land where a *hat* or market was held, was customary. It would be against the law and equity to deprive such proprietors of their just dues in the shape of compensation. As a precedent the Association stated that in 1799, such proprietors as were deprived of the privilege of levying taxes on the vendors in the bazars received a compensation for the loss of their privilege. In the preamble to Regulation XXVII of 1793, it was distinctly set forth that "the Governor-General-in-Council had no intention to divest the landholders of any collections they had made under the denomination for the use of ground, shops or other buildings belonging to them." The levy had been declared legal both by the Sudder Dewany Adaulut and the High Court. The rents were paid either in money or kind or in both according to convenience of the vendors.

As regards the levy of tolls or mooring dues from boats in navigable rivers, the Association pointed out that the Advocate General had held that the banks and bed of a river were the property of the Zemindars, who had a right to levy the

dues for the use of their property and for the protection afforded to the boats.

### **Insurance**

On Insurance too the Association expressed its strong opinion on the minutes of Sir Richard Temple and other papers on the expediency of effecting assurance of lives of natives and others by the State. The Association supported the proposal on the ground that a necessity for some provision was called for in respect of the widows and children of Indians of the middle class who had been victims of the gradual disintegration of the joint family system. As regards the amount for which a life was to be insured, the Association recommended the minimum to be fixed at Rs. 500 and the maximum Rs. 20,000. The Association expressed its decided opinion in favour of an annuity to be paid to the widow or some member of the family whom the insured might desire to benefit, as large sums in the hands of ignorant females or inexperienced youths might be either misused through the fraudulent contrivance of dishonest persons thereby defeating the very object for which it is introduced.



## CHAPTER II

### IMPORTANT ACTIVITIES

#### Services and Administration

The Association voiced the language of all classes of Indians when it protested against the lowering of the maximum in the age for the Indian Civil Service Examinations. A public meeting held in Calcutta on March 24, 1877, gave expression to the objection to the step taken by the British Government for the reduction of age-limit. The Association in a memorial to the Secretary of State pointed out that the lowering of the age would mean lowering of the standard of qualification in the recruits. The age-limit at 23 produced a batch of Indian Civil Servants noted for their high University education and benefited both the new entrants to the service and the country.

The Association reminded the authorities that their repeated assurances of opening the services freely and impartially to qualified Indians would be rendered nugatory by the new rules. Not a single Indian was admitted into the 'Service' until 1856, after which it was thrown open to public competition. But the long journey to England with its attendant disabilities did not allow half the number of Indian aspirants to enter the Services during a period of twenty-two years of open competition.

The Association requested the Secretary of State to hold a competitive examination of Indian candidates in India for admission into the Civil Service and to throw open to the Indians a prescribed percentage in the covenanted posts every year.

The age limit at 19 remained in force till 1892. But in 1893 on June 2, a resolution moved by Mr. Herbert Paul,

M.P. in the House of Commons was carried by a majority affording great satisfaction to the Association and the Indian public at large. But the British Cabinet refused to give effect to the resolution till the end of World War I.

For a good and efficient administration it was desirable that right type of men should be admitted into service. In order to attain this object and to ensure security of service it was absolutely necessary that no body was to be removed from service without a just cause. In a despatch dated August 6, 1861, the Court of Directors complained that native officers were frequently dismissed not for proved delinquency or for any substantial charge but simply on the opinion of their immediate superiors. By a resolution dated July 29, 1897, the Government warned the heads of departments not to dismiss any officer on flimsy grounds and without the right of appeal. Both the charge and the defence of the affected officer should be put in writing. It was further enjoined by a circular dated Bombay, October 16, 1883, that the motive of the affected officer should be taken into account and that unless he was found guilty of 'fraud and dishonesty', 'continued wilful negligence' or an offence involving moral turpitude, he should not suffer the extreme punishment of dismissal.

The directions, however, were not followed in actual practice. Three Assistant Surgeons, Babu Kali Krishna Bagchee, Protap Chunder Kerr and Asoke Krishna Saha of the Bengal Subordinate Medical Service were dismissed on the plea of disobedience of the orders of the head of the Department. They appeared at an examination for promotion to a higher grade and in the opinion of a regularly constituted Board of Examiners they passed it. The integrity of the Board was questioned by the Inspector General of Hospitals and he wanted to examine these Assistant Surgeons himself. The officers submitted that if the fresh examination was supplementary to the one that had already been held they



were quite willing to undergo it ; but if it was a question of suspicion of the former Board, they were not. Nothing was heard in reply but a final order of dismissal was issued by the Inspector General.

The British Indian Association took up the matter and wrote to the Government on December 3, that the order had been unjust and arbitrary as no written charge was preferred against the officers concerned and that none of the allegations had been proved. While agreeing with the points advanced by the Association, the Government of India expressed its inability to interfere with the orders of the local Government.

### **Weights and Measures**

The Government of Bengal sought the opinion of the British Indian Association as to the best system of weights and measures easy for adoption throughout the lower Provinces and the steps for their general application. On August 23, 1890, the Association pointed out that it had supported a change with a vernacular nomenclature as early as 1868, when the Metric Commission was appointed. The Government after examining the reports of the local officers passed Act XXXI of 1871 making kilogramme the standard of weight. This was never applied and after a lapse of twenty years the Government thought of opening the case afresh. The new plan aimed at adoption of the English standard under Vernacular names of seers and maunds, etc., and suggested that the correlation would be simple if a hypothetical tola of 175 grains be adopted. The chief lacunae was that the plan did not give any alteration in the coinage of the country. It wanted to introduce a tola which did not exist. The difference between a tola of 180 grains and average coin in circulation which had lost weight by usage to the extent of 5 grains was no doubt small, but this could be no reason for the assumption of the proposed standard of 175 grains.

The Association pointed out that the law of 1871 had failed not because it was defective, nor that it had not been

accepted by the people, but simply because the Government had failed to supply the necessary organisation for enforcing the law. The system came to a halt and the system remained in the same state in which it had been in 1871. It explained that the law of 1835 covered all requirements and less change effected to it would be better.

### **Police Service**

The Association pressed for reform in the police service. Instances of inefficiency, harassment of the innocent and escape of the wrong-doer were frequent. The existing system had worked for 28 years and needed thorough overhauling. The Association wanted a Commission of enquiry for the purpose.

In a letter to the Chief Secretary to the Government of Bengal dated September 23, 1889, the Secretary of the Association stated :

“.....The records of inefficiency, corruption, extortion and other mal-practices, found in the Annual Police Administration Reports, the damaging remarks not unfrequently made by Courts of Law in the course of judicial trials on the conduct of the Police, and the punishment, judicial and departmental, awarded to the erring members of the body give weight and strength to the opinion entertained by the Association. In numerous instances the people particularly the poorer classes,—from their ignorance, poverty and well-known timidity, the difficulty and risk of preferring complaints against the Police, and the still greater difficulty of successfully proving even well-founded complaints—feel disinclined to undertake such prosecution as would make them marked men and Police their determined enemies. The considerations, mentioned above, often keep out of the Courts and the cognisance of the superior officers hundreds of well-founded complaints and cases of ill-treatment by the Police, which, if added to those that come to light and are shown in the official report, would, the Association is informed, considerably enlarge the official catalogue, and add to the great unpopularity of the present system.”



In the Burdwan Division alone in 1888, convictions were obtained in Courts in only 12.7 per cent of the cases sent up for trial by the Police. 87.3 per cent of the Police cases have been deemed by the Courts to be false.

The Committee, appointed by the Local Government, to take up the question of Police Reform at first consisted of three European officials only. At the suggestion of the British Indian Association, non-official gentlemen were also included. On the 18th of October, 1890, the President of the Police Reforms Committee asked the Association to submit their recommendations and suggestions for Police Reform. They submitted their observations on September 31, 1891. The substance of the recommendations is as follows :

That the post of Head Constable be abolished, and outposts and stations be placed in charge of Inspectors and Sub-Inspectors according to their importance ;

That a constable should never be allowed to do the work of a Sub-Inspector ;

That none but an officer should be employed to make any local investigation ;

That there should be only 3 grades of Sub-Inspectors, and their pay should be, without any deductions, Rs. 50, 75 and 100, respectively. The number of Sub-Inspectors should be increased. The vacancies caused by the abolition of the two lowest grades, should, except in cases of well-tried merit, be filled up not by promotion but by new appointments of properly qualified persons.

Regarding Inspectors of Police, the Association opined that all future vacancies should be filled up by well-educated men of good family and character.

The Association suggested that in the recruitment and selection of Police Officers, a system of limited competition should be introduced. All applications for service should produce certificates of character, health and respectability and their names should be registered, but no person should be

appointed, unless he had passed the test of a competitive examination to which registered candidates alone should be admitted. As the efficiency of the service depended much on the ability, prestige and character of the head of the District Police, and as much of the inefficiency of the Police was generally ascribable to the ignorance of European Superintendents of Police of the character, habits, customs and language of the people and of the laws with which it was essential a police officer should be familiar, it was desirable that the District Magistrate should be the actual head of the District Police. The fact that he was invested with judicial powers, which were seldom exercised, should in no way interfere with his functions as the head of the Police, and it might be provided by law, if necessary, that he should not try a case which was in any way linked with his duties as the head of the Police. The Association further suggested that the posts of the District Superintendent and the Assistant Superintendent of Police should be abolished, and the charge of District Police be placed upon the District Magistrate, the savings thus effected would go a great way to provide for the increase of pay of Sub-Inspectors and Constables.

Regarding the village watch the Association stated that it was desirable that Government should give a fair trial to Act VI of 1870. The Act was passed more than 20 years ago and it has not then been introduced in even half the number of villages in these provinces and its provisions had not been applied in accordance with the principle upon which this Act was based. If the election of members of the Panchayet were left to the villagers, if the Chowkidars were made more dependent on the punchayets, the condition of the village police would have been far different from what it was then.

The Chowkidars should be bound as they have always been to assist the regular police in detecting offenders, and in investigating crime ; but beyond that they should in no way



be subservient to the regular police. The responsibility of giving information regarding the commission of offences was imposed upon zemindars when village chowkidars were their servants and village punchayets were completely under their control. This system should cease, and the Chowkidars should form independent village units responsible for their actions only to the Panchayet and the District Magistrate. The system of payment to chowkidars by grant of chakran lands was in most cases a source of great inconvenience to the village community and of dispute between the landholders and the Police. One who earned his livelihood by cultivating his lands could not be expected to render efficient service as a Zemindari *pyke* and Police Chowkidar. Having regard to the Privy Council decision which held that the landholder had the right of dismissing the Chowkidar and appointing a new man in his place, it would be better if the provisions of Part II of Act VI, be put into force in every place where Chowkidars were paid out of the profits of chakran lands.

A subject of unquestioned public importance which had been seriously discussed many times over in many a Conference during the days of India's subjection, and which is in the process of being satisfactorily handled only lately was the separation of judicial from the executive function. Administrative experts and political extremists vied with one another in denouncing the system that united the two functions. Towards the close of the 19th century it having transpired that the subject of the union of Judicial and Executive functions in the same officer was under consideration, the Association submitted a representation to the Government of India praying for the separation of the two functions which are obviously so incompatible with each other. It quoted authorities from Lord Cornwallis down to the present time recommending the proposed reform and pointed out that the principle of separation had had the approval and support of the highest officers and authorities connected with the Government of this country, and that financial considerations alone

had prevented the Government from carrying it out. It contended that to this union were directly traceable the numerous instances of failure of justice which had occurred in the past.

In conclusion, it submitted that the reform should not be delayed any longer by considerations of finance; as it would be amply repaid by insuring justice and by the prevention of injustice. Similar representations also reached the Government from various other public bodies in the country.

### **Disposal of Dead Body**

Consciousness had grown amongst the intelligentsia that it was the duty of the State to provide free and adequate aid to all persons suffering from disease and adopt special measures in the emergency of an epidemic.

With regard to the disposal of the dead body it was accepted that casting them to the river or stacking them in the river bed was a positive nuisance and danger to the public health. Invited to express its opinion at the enquiry instituted by the Government, the Association suggested, that under the relevant sections of the Municipal Act the Municipalities were to provide burning ghats, to provide burning or burial of dead paupers and prohibit burning or burial of corpse in unregistered ground. Sannyasis and Hansas of the religious order were to be exempted from the restrictions. The Association's suggestion was accepted.

### **Charitable Dispensaries**

With the rapid increase of charitable dispensaries in the mufasil for allopathic treatment, there was a greater demand for western medicine in the country. But the Government aid was most perfunctory and depended on matters utterly unconnected with the conditions under which the contract between the donors and Government had been entered upon. The revised rules now introduced by the Government mate-



rially differed from those of 1872, and they did not lay down any fixed principle on which Government aid was to be given to charitable dispensaries. Classification of dispensaries did not follow any strict principle. Establishment of a new or change of status of an existing dispensary became absolutely dependent on the sweet will of the authorities. It also took upon itself the judgment whether a dispensary had been serving its purposes of public charity or its continuance was otherwise desirable. Everything was put in a melting pot of indecision.

The assumption that "it is beyond the recognised province of a Government to provide medical aid for the great body of its subjects" interfered with or restricted the aid of the Government to charitable dispensaries. This was disclosed in 1849, in the correspondence on the establishment of a charitable dispensary at Uttarpara by Baboos Joykissen Mookerjee and Rajkissen Mookerjee.

But more objection was taken by the Association to the policy of extreme centralisation and almost complete exclusion of the public in the management of the dispensaries. The principle hitherto adopted was to encourage the public to help themselves to co-operate with each other for mutual benefit and to manage their local village affairs as best as they could.

The British Indian Association was of the opinion that it was incumbent on the Government to come forward with help to public spirited men in the mufasil to maintain charitable institutions. The action of the Presidency Commissioner as evinced in the last Administration Report questioning the necessity of maintaining Charitable Dispensaries in the mufasil where there was competition among medical practitioners was deeply regretted. It was pointed out that the charitable dispensaries were meant for the poor unable to

meet the costs of treatment. Therefore, the idea of abolition of such dispensaries was deprecated.

The fact that in 1878, there were only 200 and odd dispensaries in the whole of Bengal, Bihar and Orissa with a population of 65 million pointed to one conclusion that there was need for more charitable dispensaries. Due to paucity of medical men, short supply of medicines, prevalence of malaria, and other causes mortality amongst the poor appeared to be abnormally high.

At a time of fever epidemic Babu Naffer Chunder Pal Chowdhury, a member of the Association, had to establish a dispensary in great hurry at the suggestion of the Magistrate in 1878, at Latudah in the Nuddea District. It was the only institution of its kind within the three sub-divisions of Choa-danga, Meherpore and Kusthea. He endowed Rs. 36,000 in four per cent Government security for the maintenance of the dispensary and the Government accepted it on condition that an Assistant Surgeon should be attached to the dispensary and instruments and western medicine should be supplied by the Government free of cost. The Surgeon-General however reduced it to a Class III, grade 3, dispensary on the ground that there had been decrease in the number of patients. The fall in the number of patients was due to the discontinuance of western medicines. The fund at the disposal of the dispensary committee was sufficient to buy such drugs but it was not allowed to do so.

### **Plague and its Prevention**

In 1879, Bombay was ravaged by plague. Occurrence of a few cases caused a scare in Calcutta also. A large sum of money was spent for cleansing the town to prevent men from fleeing the city. The enforcement of Plague Regulations caused a great stir in the minds of the public. The Association's efforts to allay panic proved of no avail. The Association submitted a memorial to the Government in which it



criticised the measures for segregation which were more dreaded than the disease itself. The simplicity of the rules of the native system and their application as compared with the western was pointed out to be quite unsuited to the conditions obtaining in the country. A rigorous enforcement of the foreign system would result in concealment of the cases and the remedy suggested would rather aggravate the situation. It reminded that the Government of India had distinctly laid down the principle that "in carrying out any measures of segregation, due regard should be paid to the position in society of those classes of the native community who can be relied upon to take efficient measures with the object of preventing the spread of infection and to other considerations of a like nature." The Association's representation bore fruit and home segregation was granted by Government under certain necessary safeguards.

With regard to the revised Plague Regulations, Maharaja Joteendra Mohan Tagore, K.C.S.I., was requested to see the President of the Plague Commission to represent to him the views of the Indian community on the matter. It was also resolved to hold a conference of public bodies and of representative members of the Indian community to consider the plague regulations. A Committee consisting of five gentlemen with Maharaja Joteendra Mohan Tagore as Chairman was formed to examine and report upon the Rules.

Pursuant to the resolution of the Association a Conference of public bodies, of the Indian press and of the leading members of the Indian community was held on December 6, 1897, in the hall of the British Indian Association to consider the revised Plague Rules promulgated under Resolution No. 1465-T.M. dated Darjeeling, 10th November, 1897.

The following Associations were represented at the Conference :—The British Indian Association, the Indian Association, the Central National Mahomedan Association, the

National Chamber of Commerce, the Zemindari Panchayet, the Indian Medical Association and the Indian Relief Society. The representatives of the following organs of public opinion were also present:—The *Hindoo Patriot*, the *Amrita Bazar Patrika*, the *Bengalee*, the *National Magazine*, *Power and the Guardian*, the *Bangabasi*, the *Hindi Bangabasi*, and the *Hita-badi*. Maharaja Bahadur Sir Joteendra Mohun Tagore, K.C.S.I., was voted to the Chair. A memorial containing certain suggestions and observations of the conference on the Regulations was unanimously adopted for the consideration of the Lieutenant Governor, and this was forwarded to him.

It contained the following suggestions :

1. That home segregation be allowed wherever practicable ;
2. That Ward Hospitals for families and association of families should be located within the Ward, if possible ;
3. That in determining a plague case, the Health Officer should be associated with at least one medical member of the Plague Commission ;
4. That the segregation camps be located in the Seven Tanks Gardens and not at Manicktola ;
5. That the disposal of claims for compensation should be made jointly by the Chairman of the Corporation and the members of the Ward Committee ;
6. That the community should be more adequately represented on Plague Commission.
7. That in nominating members of the Ward Committee the Chairman of the Corporation should consult the Ward Commissioners ;
8. That the time for abatement of overcrowding should be extended ;
9. That the rule requiring the relatives of the patient to sleep in the compounds of the hospitals should be expunged ;



10. That the disposal of dead bodies should be according to social and religious usages.

Sometime after this, the Government of Bengal passed orders on this memorial accepting most of the suggestions of the Association.

## CHAPTER III

### FAMINE AND LAND

#### Anti-famine Measures

Scarcity of food and famine had become chronic in many parts of the country. As in the past, close upon the Bihar famine of 1873-74, large tracts of south India were visited by famine in 1877-78, and a considerable number of people died of starvation in the Madras and Bombay presidencies. A tract of about 100 sq. miles near the Chilka lake in Orissa was also affected.

To devise ways and means for meeting the situation a public meeting was held under the aegis of the British Indian Association at the Town Hall in Calcutta on September 20, 1877, where a resolution was taken "to constitute an authorised and responsible agency for receipt of contributions from all persons, who desire by private efforts to relieve or mitigate those sufferings."

A Committee was formed with Babu Kristodas Pal as Honorary Secretary which was able to collect Rs. 27,093 half of which came from the members of the Association.

On the appearance of scarcity at the close of the last century the Association addressed a circular to the Zemindars and other leading members of the public calling for detailed and complete information regarding the state and prospects of the principal crops, the condition of the landless classes and the sufficiency of work for them at remunerative wages. The desirability of making advances for sinking wells for irrigation purposes as also for the purchase of seed grains and agricultural implements and the necessity of opening relief works and the grant of gratuitous relief were stressed upon. On the basis of the answers received representatives of the



Association met the Lieutenant Governor and impressed upon him the necessity of importing foodgrains to ward off the impending calamity.

Irrigational facilities are intimately connected with the food supply in India, and the Association maintained that wherever these could be provided the water rates should not be too high particularly in respect of poor cultivators. Late in the seventies an Irrigation Bill was introduced by the Government to levy a compulsory rate for the construction and maintenance of irrigation works. The Association was very much against this 'compulsory levy' as because there was no demand for continuous irrigation for the cultivation of the principal food crops of Bengal. There was adequate provision for the supply of water to certain spring and cold weather crops. Moreover, droughts were rather infrequent in Lower Bengal when undoubtedly the need of irrigation was most felt. On these grounds the Association argued that the losses which the ryots would suffer by the imposition of compulsory rate payable every year would scarcely be compensated by their grains in exceptionally bad years of drought occurring at long intervals.

The experience of supply of water from irrigation canals such as the Cuttack and Midnapore Canals as well as the Sone canals had shown that their records of failures in cases where the water was most needed did not inspire any confidence in their performance. It was a patent fact that such canals did not and could not serve any very great purpose when rains had been scanty. For the people of Behar, there were the wells, tanks and nullahs which supplied their wants, and they might well question the justice of compulsory irrigation rates for doubtful benefits. The Association further pointed out as means of communication the canals apart from irrigation ought to be supported out of the Road Cess fund under Section 66 of Act X of 1871. As a result of this representation the passing of the Irrigation Bill was postponed.

In the early part of the summer of 1895, there was a great scarcity of water in the mofussil. The Association felt concerned over it and issued a circular to leading landowners throughout the Presidency pointing that the situation had arisen owing to the neglect of the District Boards in making adequate provision for the supply of drinking water. It earnestly requested everyone who was capable of to deepen and cleanse old tanks and sink wells for the supply of drinking water to the needy.

Amongst others Mr. Kristinder Roy, Raja Bahadur of Balihar, Babu Siv Narain Mukherjee of Uttarpara, Maharaja Sir Ravaneshwar Prasad Singh Bahadur of Gidhour, who deserve special mention, responded to the call of the Association to mitigate the sufferings of the people in various ways.

Due to continued scarcity of food and the distress of the masses who could hardly pay for the prevailing high prices of foodgrains, the Association made representations to the Lieutenant Governor for import of food.

The EMBANKMENT ACT of 1873, meant for protection of cultivable areas being over-flooded by sea-water, touched off a new controversy. The proposed Act declared that "all buildings, land, earth, pathway, sluice gates, berms, hedges belonging to or forming a part of any embankments or water-course of which charge has been or may hereafter be taken by the officers of the Government shall vest in the Government, and shall be held on behalf of the Government, and all moneys received on account of such lands shall be payable to the Engineer, and credited to the cost of the construction and maintenance of such work."

This provision was altogether new. There was no corresponding section in any previous Regulation or Act relating to embankments. Under this provision, Government Engineers, in some districts, were demolishing houses of ryots, which had stood on the tops or on the berms of embankments,



and were compelling them to give up possession of or execute kabuliyats in favour of Government for lands, for which the ryots had hitherto been paying rent to their landlords.

In many places the lands in the vicinity of embankments lie under water during the rains, and as the embankments were the only structures which were above the submerged surface, their tops afforded convenient sites for the erection of temporary huts and houses for ryots, to enable them to carry on cultivation during the cultivating season, and to watch their crops.

Cultivation in most cases extended to the very foot of the embankments. Earth was periodically dug out from cultivated lands for the repairs of embankments, but this was the recognised custom, and no objection was raised inasmuch as the object was the protection of the neighbouring lands, but the practice of taking earth from the side lands of embankments did not take away the proprietary right in the lands.

### **Land-laws**

The land-laws of a predominantly agricultural country like India absorbed a good deal of attention of the British Indian Association. It supported the system that had contributed most to the agricultural improvement and establishment of better relations amongst the partners of agriculture. With this object in view conferences were held from time to time to discuss the issues involved in it.

(a) The PUBLIC WORKS CESS BILL, modelled on the District Board Cess Act was introduced in the Council of the Lieutenant Governor to raise a sum of Rs. 27,50,000. Sir Barnes Peacock, who had written against the Rural Cess of Police Tax on the ground that it was a special or separate tax upon land, commended this measure as it would involve a liability on the landholders in common with others interested in any kind of land situated in rural areas.

The Association contended that the tax on rent would fall wholly on the landlord and would thus involve a breach of the Permanent Settlement. An appeal to the Government for reconsideration of its views was rejected.

(b) The BENGAL TENANCY BILL, the most important measure relating to land, was introduced and hurriedly passed in 1885. After the Select Committee considered the Bill and reported on it, the Bill as settled by the Select Committee was passed and placed on the Statute Book, before the Calcutta session of the Imperial Legislative Council would come to a close. It was seriously opposed from one end of the country to the other. Protest meetings were held by the landlords as well as the ryots as it affected the interests of both. The first of such meetings of the landholders of Bengal and Behar was attended amongst others by the following prominent and influential Zemindars : H.H. the Hon'ble Maharaja of Darbhanga, H. H. the Maharaja of Doomraon, Maharaja Ambica Prosad Singh, Gidhour ; Maharaja Sir Joteendro Mohun Tagore, Bahadoor, K.C.S.I., Maharajah Narendra Krishna Bahadoor, Maharajah of Dinajpore, Maharajah Bhagubati Prosad, Rajah Purna Chandra Singh, Paikpara ; Rajah Mohindra Lal Khan, Midnapore ; Rajah Jogendra Narayan Roy, Lalgola ; Rajah Jagadindra Narayan Roy, Natore ; Rajah Harendra Krishna Bahadur, Calcutta ; the Hon'ble Rajah Siva Prosad, Benares ; Rajah Purnendu Dev Roy, Bansbaria ; Raja Benoy Krishna ; Nawab Mir Mohamed Ali Bahadoor, Nawab Ali Khan, Monghyr ; Nawab Dildur Ali Khan, Monghyr ; Nawab Ali Mehedi Bahadoor, Patna ; Nawab Villayet Ali Khan, C.I.E., Patna ; The Hon'ble Kumar Boikuntha Nath De, Bala-sore ; John Woods, Esq., M.P., Victoria ; The Hon'ble Doorga Churn Law ; The Hon'ble Mohomed Yusuff, The Hon'ble Hurbuns Sahai, Arrah ; The Hon'ble Chunder Madhub Ghose, Calcutta ; Rai Luchmepat Sing Bahadoor, Azimgunge ; Rai Dhunput Sing Bahadoor, Baluchur ; Baboo Sambhu Chunder Mookerjee, Ula ; Baboo Nund Lall Mookerjee, Janai ; Syed



Wallis Ali, Gya ; Syed Sufferuddin Hossain, Patna ; Baboo Janaki Nath Roy, Dacca ; Baboo Sita Nath Roy, Dacca ; Syed Lootif Ali, Khan Bahadoor, C.I.E., Patna ; Baboo Saligram Sing, Arrah ; Baboo Joykissen Mookerjee, Uttarpara ; Baboo Peary Mohun Mookerjee, Uttarpara ; Baboo Amrita Narayan Acharyya Choudhuri, Mymensingh ; Baboo Kesav Chunder Acharjee Chowdhuri, Mymensingh ; Baboo Chukun Lall Singh Roy, Chakdighi ; Baboo Kissory Lall Goswami, Serampore ; Kumar Duckineswar Malia, Searsole ; Syed El Kadni, Surat ; Moulvie Syed Fakiruddeen, Gya ; Rai Dwarka Nath Chuckerbutty Bahadoor, Beerbhoom ; Baboo Nafar Chunder Pal Chowdhuri, Nuddea ; Syed Latafut Hossain, Patna ; Baboo Girija Prasanna Mookerjee, Goburdhangah ; Damodar Chowdhuri, Balasore ; Rai Jung Bahadoor, Tirhoot ; Syed Ahmed Reza Khan (Minister of Bhopal), Bhopal ; Baboo Troilakya Nath Mitter, D.L., Calcutta ; Baboo Nil Kamal Mitter, Calcutta ; Baboo Parbati Charan Roy, Calcutta ; Baboo Pashupati Nath Bose, Calcutta ; Baboo Boikuntha Nath Bose, Calcutta ; Baboo Nund Lall Mullick, Calcutta.

During 1884 and 1885, the Tenancy Bill agitation continued with undiminished vigour. The Central Committee of Landholders of Bengal and Behar held their own meetings in the towns, while meetings were also held in almost every district of Bengal and Behar in opposition to the Bill. At every one of these meetings resolutions condemning the Bill were carried. Towards the close of the year 1885 and soon after the arrival of the new Governor-General in Calcutta, a mammoth meeting of the Landholders of the districts of Bengal, Bihar and Orissa likely to be affected by the measure, was held in the Town Hall. The meeting pointed out to the Government the ruinous, unjust and confiscatory character of the Bill, and adopted a memorial to be addressed to the Viceroy in Council. The Central Committee submitted several other memorials both to the Secretary of State and the Government of India. But little heed was paid to them

by the Government. Notwithstanding the protest of the zemindars and of their representatives in the Legislative Council the Bill was passed but it awaited the consideration of the Secretary of State.

Organised by the Indian Reforms Association,\* a meeting was held at St. James Hall, London in 1884, to protest against the Bengal Tenancy Bill and to demand a commission of enquiry. It was largely attended by gentlemen of position and influence and every word uttered there carried conviction.

Under the auspices of this influential body other similar large public meetings against the proposed Tenancy Bill were held.

The BENGAL TENANCY BILL started a tremendous agitation all over the country. Towards the close of 1885 and soon after the arrival of the new Governor-General in Calcutta a mammoth meeting was held in the Town Hall. The ruinous, unjust and confiscatory character of the Bill was discussed in every detail and it was decided to submit a memorial to the Viceroy in Council. Nothing succeeded ; the Bill was passed at the teeth of public opposition. Now the only step left to be taken was the consideration of the Secretary of State for India for anything to be done in this respect.

Under the auspices of the Indian Reforms Association a meeting was held at St. James Hall, London, in 1884 to protest against the Bengal Tenancy Bill and to demand a commission of enquiry. Under the auspices of this august

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\* The British India Committee which had been originally formed with a view to support Lord Ripon's policy in regard to the Ilbert Bill, developed in 1884 into a permanent organisation under the name of the "Indian Reforms Association" in order to co-operate with the people of India in promoting their political progress and material interests and to inform the British public regarding the condition of India.



body several other meetings were held to give expression to the public opinion on the matter.

Another meeting of the landlords of Bengal and Bihar was held in the hall of the British Indian Association on April 20, 1885, with the object of adopting a memorial to the Secretary of State requesting him to disapprove the Bill. The meeting was attended by a large representation of zemindars coming from different parts of Bengal and Bihar. It was presided over by Maharaja Narendra Krishna Dev Bahadur who expressed his views on the Bill and opined that it was absolutely unsuited to the prevailing state of the country and would engender litigation in its worst phases. He thanked the gentlemen such as Earl Wemyss, Earl Kimberley and others, who had taken up the cause of the Association and hoped that the memorial when it reached their hands would receive their careful consideration.

Mr. Hollow of Mymensingh stated :

“You have my entire sympathy with the movement in contemplation, being in my opinion, the last and only resource for averting a calamity which seriously threatens to overwhelm these fair provinces of Bengal with ruin and confusion by the inconsiderate and hasty legislation of the Tenancy Act. It was evident from the hostility displayed towards the amendments proposed which as expected were invariably lost, that the honourable members were pre-determined to pass the Bill—notwithstanding all reasonable arguments against it. If it be expedient to do away with the Permanent Settlement, so as to confiscate his (Zemindar’s) ancestral estates, let it be openly declared so, and he will, I am sure, resign them for a valuable consideration,—as it is better to be a pensioner than to be a harassed and ruined zemindar for a mere name, and a thankless task of managing one’s own estate.”

Called upon by the Chairman, Babu Joykissen Mookerjee moved the first resolution which ran as follows: “That in the deliberate opinion of this meeting the Bengal Tenancy Act, recently passed by His Excellency the Viceroy and his Council, makes serious inroads upon vested rights of property

guaranteed by the Permanent Settlement ; that it involves a breach of faith of the British Nation in reliance upon which the landholders of Bengal and Bihar have invested an immense amount of capital on landed property ; and that it introduces changes in the existing law and ancient custom of the country which are calculated to work most injuriously on the rights, interests and conditions of landholders and the ryots."

In the opinion of the speaker the Bill would throw the greatest obstacles to settlement of rent as also of recovery of undisputed rents. The ryots had complained of the various changes that the law envisaged in their relations with the landlords, and the high officers of the State had warned the Government against introducing laws and customs that would give rise to endless litigation. The present law, the speaker held, was opposed by the highest judicial authorities in the land and it evinced a callous disregard of the demand for a commission by the landholders.

Babu Harbans Sahai who seconded the resolution said that the landlords were greatly alarmed because the new law would confiscate to a great extent their vested rights and encourage litigation in a large measure. The landlords were to become mere annuitants in the soil. He had no control over the manner in which the ryot might choose to use his land ; he had no lien upon the crop except in the shape of a distraint, which the procedure prescribed by the Act rendered worse than useless for all practical purposes, while he had been deprived of his ancient rights to eject his occupancy tenant in execution of rent decree for non-payment of rent. In most cases, the right of private distraint, and the power of ejectment in cases of non-payment of rent, were the only two effective legal weapons in the hands of the zemindars to ensure the practical realisation of rent.

Babu Amarendra Nath Chatterji stated that the measure was most likely to shake the confidence of the people as well



as the native princes in the assurances and treaties on which they relied. "Assuming that the Government had the legislative power resumed under Clause 1, Section 8, Regulation 17, 1793, to interfere for promotion of the ryot's welfare, still it is evident that ordinary interference for the advancement of the ryot's interest is one thing, and extraordinary interference for infringement with the vested rights of the landlord is quite another thing, and that being so, no hue and cry would have been raised had the Government acted up to the spirit of the clause without attempting to effect re-distribution of property as contemplated by the Act. Regulation 2 of 1793 runs thus: "No power will then exist in the country by which the rights vested in the landholders could be infringed or the value of landed property affected." The Parliamentary Report of the Select Committee of the House of Commons of 1832, says; "unless the Government should either by public or private purchase, acquire the zemindary tenure, it would, under the existing circumstances, be deemed a breach of faith to interfere directly between the zemindar and the tenant for the purpose of fixing the amount of the land tax demandable from the letter under the settlement of 1792-93." Admitting for the sake of argument that the Government had absolute legislative power on the question without any restriction whatever none can conscientiously deny that common fairness and the ordinary principles of equity and justice should decree adequate compensation for the so-called infringement of the proprietary rights of the landlord. It would be a bare act of equitable justice on the part of the Government to buy up all the zemindary right at 20 years' purchase and invest the sale proceeds in Government Securities in such a way as to secure for any zemindar his present income derived from his zemindary, since these zemindars, relying on the faith and honour of the British Government, have spared no pains and purse to turn into a smiling land all the unreclaimed jungles surrendered to them absolutely by way of compensation for the ruinous assessment by the Permanent Settlement.

In March 1897, the President Sarvajanik Sabha, Jorehat, drew attention of the Association to a circular dated November 3, 1896, on settlement of waste lands in Assam. The Circular aimed at settlement of such lands to actual cultivators, restricting the quantity (area) to such as he could cultivate himself. In effecting re-settlement the same principle was to be followed excluding, by all means the non-cultivating lease-holder with exception in the case when the lease-holder was unable to cultivate in person owing to sex, age, infirmity or for other valid reasons. The objectionable feature of the new system, as pointed out by the Sabha, was that it would retard the development of the province inasmuch as the quantity of settled land was about 1.25 million acres while the area still available for settlement was 7.25 millions, and proper development of land required not only manual labour but also huge capital.

The Association in a reply to the President supported the contention of the Sabha but it did not think it necessary to address the Assam Government on the subject.

At a Conference of landholders held on January 3, 1900, in the Association's hall the question of disproportionately heavy cost of rent suits and the procedure for recovery of cesses and other public charges were discussed. A strong committee was formed to go into the matter.

The British Indian Association had been taking a good deal of interest in the estates of big and ancient zemindary houses so that they might not dwindle into insignificance by partition and other means. In that background it supported the Indian Perpetuities Act, 1893, which purported to authorise certain persons possessing hereditary titles to settle in perpetuity with the sanction of the Government on themselves and their successors in the said titles sufficient property for the maintenance of the dignity of the said title. The Bill provided that the Governor-General-in-Council might, by notification in the Gazette of India, extend the provisions of



the Act to the holder of any hereditary title named in such notification although such title might not have been granted by the Government of India. The Association was of the opinion that the passing of such a Bill would not only be conducive to the welfare of the families immediately concerned but also the country at large.

## CHAPTER IV

### SPREAD OF EDUCATION

The British Indian Association had always advocated spread of education amongst all classes of people, and never pleaded for any privileged section or community in particular. It had, therefore, as a question of principle opposed special schools or arrangement for Eurasians or Europeans and wards of landlords of Bengal. Recalling the historic services of the Hindu School the Association strongly opposed its abolition which Government had contemplated.

The Indian Association for the Cultivation of Science came into existence in January 1876. Dr. Mahendralal Sarcar, the founder of the Institution, desired the research work to be carried out with "our own efforts" without Government help. Raja Degumber Mitra contributed Rs. 10,000 for the purpose.

In 1836 orders were passed to substitute Bengali language by the Persian and Urdu as court language. Soon Persian was replaced by Urdu in the courts of Bihar and the North Western Provinces and laws were enacted to give this change a legal sanction. In 1871, Sir George Campbell noticed that Urdu was not the language of the people of Bihar and recommended the use of Hindi and Kaithi character. This was followed in 1873, by an order making the use of the Urdu character obligatory for certain 'specific' purposes. The orders were renewed in 1874. On July 9, 1875, the Commissioner of Patna Division was informed of the opinion of the Lieutenant Governor of the strength of Mr. Dampier's letter No. 1210, dated November 2, 1874, which enjoined the use of Hindi for all processes, notifications and proclamations were to be made in Hindi and records to be kept in Hindi or Hindustani, and that knowledge of the Hindi character, insis-



ted on in the case of police officers and amlahs, should be steadily carried out.

Peremptory orders were issued after April 13, 1880, prohibiting the use of Urdu language and Persian character from January 1, 1881. The option of using the Roman character in writing Hindi in all matters and also in "petitions other than complaints" were granted.

The opinion of the Association was sought for by the Government on the issue. The Secretary, Babu Kristodas Pal in his letter dated February, 1881 replied :

"The reasons which have been urged from time to time by the advocates of Romanisation are, first, unity of the written character all over India ; second, convenience of European Officers of Government ; third, easy reading of the records by heads of courts ; fourth, facility of writing ; fifth, economy in printing.

"The first reason is visionary, and needs no argumentation for its refutation. A universal language may be useful, if attainable, but a universal character is of no practical value."

The next point asked by the Government was on the feasibility of introduction of writing Hindi in the Roman character in the courts and offices of Behar. The Association did not support the idea on the ground that no portion of the people of Behar used that character in writing their native language and moreover that would render the proceedings of the law courts a sealed book to the community at large. Kaithi (i.e., colloquial Hindi) was considered to be slow in writing and illegible when written. The argument of the Government against Hindi was met by the Association by quoting Sir Ashley Eden's remarks ; "It is found by the experience of hundreds of thousands to be sufficient for all the needs of ordinary life and there is no reason whatever why it cannot be used for Police investigations or for the proceedings of courts."

The Association pressed for adoption of Hindi in Devnagri character and this was accepted by a resolution of the Government No. 1178, of March 24, 1893.

### **Exhibition**

Preparation commenced in January 1883 for holding an International Exhibition in Calcutta in 1883-1884. The enterprise had the approval of the Government of India and financial support of the Local Government. The Government of Bengal came out with a grant of Rs. 50,000 ; a further sum of Rs. 10,000 was provided for the collection of exhibits from Bengal. The exhibition was held in the Indian Museum building and a part of the Maidan west of the Museum was enclosed for the purpose, the total area covered being about 22 acres. It was opened by Lord Ripon on December 4, 1883, and continued up to March 10, 1884. Three Australian Colonies : Victoria, New South Wales and South Australia appointed commissioners to promote the objects of the Exhibition ; official representatives were sent by the colonies of Ceylon, the Straits Settlements, Tasmania, British Guiana and Mauritius. Delegates came from Austro-Hungary, French colonies of Cochin China and Tonking. The Dutch Colony of Batavia, Great Britain, France, Germany, Italy, Belgium, Turkey, Japan and the United States of America sent exhibits. The members of the Association wholeheartedly participated in it occupying positions on the Executive Committee of the Exhibition and collected about 400 kinds of rice which formed an important section of the exhibition.

### **European Schools**

Lord Dufferin's government enunciated the principle of favoured treatment in matters of education for Eurasians and domiciled Europeans so that the institutions of such boys would receive more liberal grants from the State than those intended for pure native students. With the Indian public



opinion the Association resented the declaration as not only discriminatory but contrary to the principle on which the grant-in-aid system was based in Sir Charles Wood's famous Despatch of 1854.

The Association also vehemently opposed the idea of establishment of a Rajkumar College in Bengal in the model of institutions at Lucknow, Ajmere and Raipur. The nature and spirit of the opposition would be evident from the speech of Raja Peary Mohun Mookerjee delivered at the 47th Annual General Meeting of the Association. He said :

“For the purpose of education, it is a terrible misfortune to be born with a silver spoon in the month and to be never permitted to forget even for a moment that the boy will one day be the owner of vast possessions. The enervating action of such dreams and expectations becomes aggravated as the boy grows up in a sphere of servile flattery. Education has no charm for him. He looks upon it in open scorn as a thing by which humbler people get their bread. He has hardly any regard for men without title and a long pedigree, however great their natural gifts and acquirements may be. His mind revolts from the labour, the privations and the rough and tumble of the student's life. His ambition and desires are confined to palatial buildings, extensive sporting grounds, modish equipages, and a handsomely stocked stable.

“All this may be mitigated only by sending the youth, so placed, to a public school. It is there that he begins to battle with the world, and is called upon to measure his strength on equal terms with the young men around him. To the sons of noblemen and large landholders, therefore, the discipline and training of a public school are not only highly beneficial but indispensable. They should be trained as young men—not as young Rajas and Maharajas. Even, therefore, if organised on the school system and not on the tutorial system, the proposed Rajkumar College would, by its very exclusiveness,

mar its own object. Far from making the students “come out of isolation” as the Viceroy hopes it would do, it would create an estrangement between the noblemen and the people, more marked than exists at present. However large its income may be, the teaching of the sons of wealthy landholders and noblemen would be much inferior to the teaching received in public schools and colleges by young men of humbler means and positions, while the absence of a final connection with the University would deprive the proposed Rajkumar College of those guarantees for a sound system of teaching and for the maintenance of proper discipline which have been found to be so essential to success. It would be a misfortune to deprive them of the advantages of a University education. The idea of giving them a training under an exclusive system is not a new one. The Wards’ Institution was far more a success. The Viceroy’s expression of pleasure at the result of the Rajkumar Colleges in Rajputana, Oudh and Central India must be taken with qualification. To a distinguished University man, the hole and corner system of education, which is the very essence of the idea of Rajkumar College, could never commend itself as the proper system for the training of youths. I would, therefore, ask the projectors of the proposed College to ponder well before they take definite action in this matter.”

The idea of a Rajkumar College had had to be abandoned due to public opposition.

### **Hindu College**

The Hindu College was established in 1816 under the patronage of Sir E. Hyde East by a body of Hindu gentlemen foremost among whom were Maharaja of Burdwan and Babu Gopee Mohan Tagore. They received the assistance of Mr. David Hare who made a gift of the land on which the building was subsequently erected. The object was declared “to be the tuition of sons of respectable Hindus in the English



and Indian languages and in the Literature and Science of Europe." The funds available were later on found inadequate for the purpose of running the institution and the Government when approached came forward with aid to meet the necessary expenses. A further grant of Rs. 1,24,000 was made by the Government towards the building fund. For awarding scholarships to deserving students, donations of Rs. 50,000, Rs. 20,000 and Rs. 20,000 were made by Raja Baidya Nath, Babu Hari Nath Ray and Babu Kali Sundar Ghoshal, respectively.

Out of the 24 scholarships of Rs. 10 per month as many as thirteen were established out of the exclusive contribution of the members of the Association, viz.,—

|                         |     |   |
|-------------------------|-----|---|
| Maharaja of Burdwan     | ... | 4 |
| Burdwan Raj Family      | ... | 2 |
| Babu Dwarka Nath Tagore | ... | 2 |
| Tagore Family           | ... | 2 |
| Babu Gopi Mohun Dev     | ... | 1 |
| Babu Joykissen Singh    | ... | 1 |
| Babu Ganga Narayan Das  | ... | 1 |

Later on, in 1853, the College Department was severed from the School Department and a substitution of a general Metropolitan College for the College Department of the Hindu College was effected.

To the proposal of abolishing the Hindu School the Association offered its strong objection and in its letter dated July 9, 1891, the Association contended that the Government had already adopted the policy of maintaining exclusive character of certain educational institutions such as the Madrassa and the Sanskrit College and there should be no deviation from that policy in regard to the Hindu School. Further, the Association pointed out that abolition would involve in a breach of the conditions of the trust. As a result, the order was withdrawn by the Lieutenant Governor.

To investigate the actual position of educational system a commission was appointed in the beginning of 1882 with Sir W. W. Hunter, K.C.S.I., as its Chairman. In September 1883, the Commission submitted its report which contained recommendations on "the insufficiency of the grant allotted for primary education, necessity of raising the standard of instruction, inspection of primary schools, adequate supply of qualified teachers, more liberal rate of aid to private colleges and increased provision for supply of female teachers."

While the Commission expressed a desire to offer every encouragement to native gentlemen in the cause of public instruction the spirit of the report, however, was not in consonance with it. Recommending withdrawal of Government management of existing colleges and dividing them into three classes, the Commission reported :

"We have, therefore, no hesitation in recommending that the Government of Bengal be requested to consider the propriety of dealing with the Rajshahye and Krishnagar Government Colleges on the principle applicable to the second class and with the Colleges at Berhampore, Midnapore and Chittagong on the principles applicable to the 3rd Class as suggested by the Bengal Provincial Committee."

The Colleges described as "third class" were :

"Those which have been shown to be unsuccessful or of which the cost is not of proportion to the utility and from which Government might advantageously withdraw even with less stringent guarantees for permanent efficiency. Such Colleges should be closed if, after due notice, no local body be formed to carry them on which such a grant in aid as the rules provide."

Berhampore must choose the lesser evil of continuance, protected by the guarantee of local gentlemen ; Midnapore



will have to close, if arrangements were not made before May 1, 1887.

The British Indian Association sent a memorial to the Government requesting them not to stifle education in the manner suggested.

When the Murshidabad public were confronted with the ultimatum of closing down the college unless they could find funds for its management, the Maharani Swarnamoyee of Cossimbazar volunteered to meet the deficit of Rs. 12,000 a year for five years and promised to consider making an endowment in favour of the College, should its increased efficiency warrant such an action.

A steady growth of indiscipline and disregard for authority among young men called forth a measure for Discipline and Moral Training in Schools and Colleges from the Government, which the Association wholeheartedly supported.

The idea of imparting religious instruction as a part of moral, material and intellectual education did not find favour with the Association. There were different religious beliefs and it was impossible to devise a method for regulating religious instruction to suit different faiths. The spirit of the age was to secularise education and so the proposal was considered to be of doubtful expediency. Nonetheless, the Association approved of the introduction of moral text-books which would discuss man's position as a member of the society and duties which appertain to such position. The proposal emanating from the Government for the provision of selected books in school libraries for furnishing wholesome reading to the students was enthusiastically supported by the Association. On the question of training and employment of teachers the Association observed that the unremunerative character of teaching profession could not attract the best men in the line. The proposal of getting trained Head Masters from England was not very feasible because of the

insufficiency of funds at the disposal of the Education Department. The Association desired to put greater stress on good example set by teachers before their pupils in and outside the school premises than devising a system of education having a direct bearing upon their conduct. Prizes for good conduct and maintenance of conduct registers and the extension of boarding arrangement might in the opinion of the Association help a good deal in this direction.

The view of the Government that "disorderly conduct during the closing years of school career would seriously affect the candidates' prospects of obtaining official employment after leaving school", according to the Association, would likely inflict a serious injury on a young man who out of boyish freak was found to be guilty of breach of discipline. The Association held that censure and in extreme cases rustication were the proper remedies for such conduct.

The Association was clearly of the opinion that punishment in school for continued inefficiency was good in principle but expulsion for failing to attain a certain standard of study would be a severe punishment not at all called for.

### **Zemindary Accounts**

As the supply of men conversant with zemindary accounts had fallen short of the demand, the British Indian Association submitted a representation to the Director of Public Instruction suggesting inclusion of text-books on Zemindary and Mahajani accounts in the syllabus of studies for the vernacular schools. This had formed a part of the curriculum in the old indigenous schools which was unfortunately left out by an order of Dr. Martin, the late Director of Public Instruction. Even the teaching of Shuvankari had been considerably curtailed. But it was a patent fact that the popularity of both lower as well as upper primary schools was largely due to the instruction imparted on this account. The representation was accepted.



## CHAPTER V

### ADMINISTRATION OF JUSTICE

The British Indian Association had consistently endeavoured to ensure independence of the judiciary. The Association held that it was only possible if men of high calibre were drafted in the service and supported by an efficient structure of judicial administration. While this would not be too costly a procedure it would at the same time command the confidence of all concerned. Justice should not interfere with the established social conventions and practices as far as possible and the ultimate aim should be to reform the delinquent so as to make him a fit member of society.

#### **Royal Commission**

In its petition to Parliament in 1880, the Association urged for the appointment of a Royal Commission for a thorough enquiry into the constitutional requirement of India, stressing upon the need for improvement in the administration of justice by providing for appellate courts, recommending abolition of payment of Stamp Duty in criminal cases, and for curtailment of the wide discretionary power of Magistrates.

A scheme for the improvement of the appellate courts, though received the backing of the highest judiciary of the land, was rejected by the Secretary of State for India.

#### **European and Indian Judges**

The Association had all along pleaded for separation of the judiciary from the executive, and strongly objected to the system of deliberate distinction practised in the conferment of power to European and Indian judges for trying certain cases.

Four cases, one each at Agra, Chittagong, Nuddea and Mymensingh caused great sensation, chiefly because they

were alleged to be examples of arbitrary and illegal actions of officials. The Fuller Case—(Agra)—caused great agitation in 1876, and all the Indian newspapers of Bengal wrote strongly on this sensational case. It was a case of assault by one Mr. Fuller, an English Pleader at Agra, who had caused hurt to his *syce* (groom) Katwaroo in such a way that the man almost immediately died from rupture of the spleen. Mr. Leeds, the Joint Magistrate of Agra sentenced him to pay a fine of Rs. 30 (thirty) only or in default to undergo simple imprisonment for 15 days. This ridiculous sentence for such a grave offence caused great resentment throughout the country. The British Indian Association voiced their protest in a meeting against the offence and the sentence and sent a letter to the authorities pointing out the possible consequence of such light punishment. The Governor-General-in-Council expressed grave dissatisfaction at Mr. Leeds' conduct and severely reprimanded him for his want of judgment and judicial capacity. The independent charge of a District for at least a year was withheld from Mr. Leeds under Government orders.

In a second case, in 1876, Mr. Kirkwood, the Officiating District Magistrate of Chittagong, vilely insulted without provocation, a respectable local Zemindar, Babu Lal Chand Chowdhury, who was also a Municipal Commissioner and got him arrested. When news of this high-handed act reached the local Government, Mr. Kirkwood was demoted to the position of Joint Magistrate and was transferred to the 24-Parganas. Against these punishments, which were considered by the Association to be extremely light in the context of the series of arbitrary and illegal acts of Mr. Kirkwood, the Association sent a representation to the Government of India. In this connection, the Association pertinently suggested that as a general measure (a) the functions of the Magistrate and of the Judge should be separated, (b) there should be some limitations upon the Magistrate's power to arrest persons upon mere suspicion, and (c) the District Magis-



trate should not be the Chairman of the Municipal Committee. The forceful way in which the Association presented its case impressed the authorities, including Sir Richard Temple.

The Nuddea case is the one in which the conduct of Mr. Tayler, Magistrate of the District, on behalf of his planter-friend Mr. Savi in the matter of the Mahesganj indigo concern and the Zemindaries attached to it, came in for criticism. The properties concerned originally belonged to Mr. Savi's family and were purchased by Babu Nuffer Chunder Pal Chowdhury a member of the Association. Mr. Tayler brought official pressure to bear upon Nuffer Babu to induce him to return the same to their original owner. The matter was brought to the notice of the Government which called upon Mr. Tayler to explain his conduct. Mr. Tayler virtually pleaded guilty and was censured by the Government.

In Mymensingh, Raja Surjakant Acharji Chaudhuri Bahadur of Muktagacha, arrived into an agreement with the Municipality on the encroachment upon a public municipal drain. Completely ignoring the arrangement, Mr. H. A. D. Phillips, the District Magistrate, instituted proceedings against the Raja under sections 263, 283, 426 and 432 of the Indian Penal Code. The Raja was dragged into Court, made to stand in the dock side by side with a person charged with the commission of a serious and non-bailable offence, without any regard for his high rank and position as one of the leading landlords of Bengal whose loyal services and public gifts had been repeatedly acknowledged by the Government as well as the public. The accused was convicted and sentenced to pay a fine of Rs. 500 or in default to undergo 20 days' simple imprisonment. The conviction was, however, set aside by the Sessions Judge, Mymensingh, on appeal.

### **Obnoxious Prosecution**

On November 4, 1892, the Association submitted a representation to the Lieutenant Governor on the subject. It

was to point out to him certain incidents of an exceptional character in connection with this prosecution which were calculated to shake popular confidence in the administration of justice. Having regard also to the ideas and sentiments of the country, no greater indignity or humiliation, the Association pointed out, could be put upon an Indian nobleman of rank and position than to make him stand on a minor charge in the dock with a felon, and to send an armed force of constables to demolish his palace wall. The Association hoped that the authorities would take such action as would reassure the minds of the people and meet the requirements of justice in this case. The Under-Secretary to the Government of Bengal in reply said that the matter had been disposed of on a memorial from the Raja and that the Lieutenant Governor did not think it necessary to communicate copies of the Government Resolution to a public Association.

### **Indian Magistrates**

Mr. Ilbert framed an amending bill on the line of commitment made by Lord Ripon to Maharaja Sir Joteendra Mohan Tagore on the question of removal of disqualification under which Indian magistrates had to function. The Bill proposed to confer on Indian District Judges the same powers as were enjoyed by their British colleagues. Against these measures a strong agitation was started by the indigo and tea planters, who feared that the change would expose them to unfounded or exaggerated charges. After prolonged discussion, the bill was amended by Government so as to give Europeans, accused of criminal offences in the moffusil, the right of demanding trial by jury. But while partially successful the agitation proved to have been singularly ill-advised. It provoked strong resentment among the Indian middle-classes, who regarded it as casting a slur on their integrity, and it, therefore, gave a most powerful impetus to an effective political agitation.



### **Rent Suits**

In the matter of rent suits and other suits of small value and in the execution of decrees of such suits the cost had been inordinately high ; this was more so in contested cases. Hardship due to the application of the law relating to court fees and process fees had been greatly felt by all the parties to the suit. The controversy over the court fees had been carried on since the legislation of 1870. The Association submitted a representation to the Governor-General-in-Council on the Court Fees Bill late in the eighties. The main object of the Bill was the substitution of stamped papers for adhesive labels in the collection of court fees of higher value with a view to prevent frauds and forgeries. It also increased the scale of fees payable for suits, the amount of value of which exceeded Rs. 5,000. The Association maintained that the increase of revenue from the proposed increase in the scale of fees would not be even a lakh of rupees in Bengal, but the hardship to individual litigants for claim above Rs. 5,000 to Rs. 1,00,000 would be very great, and it would not be just to recoup the outlay for general reforms by taxing a particular class of litigants. The Association further pointed out that the judicial receipts much exceeded the expenditure under the head of law and justice in Bengal and observed that when there was such a surplus from judicial receipts it could not be just to further increase the tax on justice on any class of litigants.

The Court Fees Fund left a sizable surplus after meeting the expenditure on this head, and so there was a popular demand for reduction in the cost of litigation as far as possible. The Association held that it was reasonable to meet the cost of translation and printing of paper-books in appeals.

### **Paper-Books**

The Association, therefore, requested the Lieutenant Governor to enquire of the Hon'ble High Court if the cost of

preparation and printing of paper-books did not affect the interests of the litigant public and also did not stand in the way of the poor litigants in getting justice. The Association urged for exempting the litigants from the payment of charges for the preparation of paper-books and the cost of translation of the papers to be included in the paper-books.

### **Indian Advocates**

On the question of admission of Indians of the rank of advocates without the stamp of any of the Inns-of-Court of England to enrol themselves as members of the Bar, the Association argued that under the Charter of the High Court, the judges have the power to admit Advocates for the High Court. Similar power was conferred upon the Judges of the Supreme Court, under the Charter by which the Supreme Court was established. But no Rules had yet been made by the High Court under which Indians could become advocates without going to England, and getting themselves called to the bar there. There was nothing in the profession of an Advocate as distinguished from that of a Vakil or an Attorney which rendered it absolutely necessary that an Advocate should have legal training in England.

The myth that Indians without legal training in England could not make successful Judges had long since been exploded. In his speech in the House of Commons on the occasion of asking for leave to bring in the Bill for the establishment of High Courts in India, Lord Halifax, then Sir Charles Wood, quoted the opinion of Lord Canning that the natives of this country, without a legal training in England, were perfectly able to perform judicial duties. That opinion was endorsed by Parliament, and given effect to by providing for the appointment of Judges of the High Court from amongst the Vakils, and the members of the Subordinate Judicial Service. Indians who have filled the office of High Court Judges, have proved eminently successful.



### **Touts in Law-Courts**

In the matter of dispensation of even justice the Government for the first time, passed an Act in 1877, making touting in law-courts a punishable offence. The reason for this was that unsophisticated rural folk coming from the moffussil to the subdivisional station of the Districts or to Calcutta fell an easy prey to the wiles of unscrupulous touts. The Association submitted to the Government that the present law was wide enough to deal with all dishonest legal practitioners. The power of suspension or dismissal of a legal practitioner should rest only with the High Court. While reviewing the Bill the Select Committee accepted this suggestion in full. To put a check on tout-nuisance, the Committee suggested that a list of touts was to be published in every court and the persons named therein were to be excluded from its precincts. With all the objectionable features removed the Bill was passed into law.

### **Trial by Jury**

The Association directed its attention to the system of trial by jury which contributed largely to the improvement of dispensation of justice.

A Government Notification, dated October 20, 1892, published in the Calcutta Gazette on the 26th idem, withdrew in a large measure the system of trial by jury from the jury districts of Bengal. The Notification was to have been taking effect after an interval of five days only. It was a reactionary and retrograde step and the British Indian Association in co-operation with other public bodies, both Indian and European, resolved to take a move against this Notification and to take such other measures as might be thought necessary for bringing about its ultimate withdrawal. The Association felt greatly encouraged by the promise of support that it desired and a public meeting convened by the Sheriff of Calcutta was

held at the Town Hall on December 20, 1892, and was presided by Maharaja Durga Charan Law, C.I.E. A resolution protesting against the measure was unanimously adopted.

A memorial on behalf of the people of Calcutta and another by the British Indian Association were sent to the Government of India.

The Association contended :

The Government of India by a Resolution, dated the 23rd February, 1893, appointed a Commission, (1) to consider the classes of offences triable by jury in the several districts of Bengal in which the system of trial by jury had been introduced, and to report whether any, and if so what, changes in the classification which then obtained was desirable ; (2) to consider and report whether any, and, if so what, modifications of the provisions of the Criminal Procedure Code relating to the trial of offences triable by Jury before Courts of Sessions were desirable for the purpose of preventing miscarriage of justice. The Commission was composed of the Hon'ble H. T. Prinsep, the Hon'ble Sir G. Evans, Maharaja Bahadur Sir Joteendro Mohan Tagore, K.C.S.I., Sir Romesh Chunder Mitter, Kt., and Mr. C. A. Wilkins. The Indian element of the Commission were prominent members of the Association. The Commission reported, on March 24, that in their opinion, it was desirable that the classes of offences which, before October 20, 1892, were triable by Jury in the seven Jury districts of Bengal, should be triable by Jury in those districts and that the recent classification should be amended accordingly. They further reported that, in their opinion, it was desirable for the purpose of preventing miscarriage of justice, to amend section 307 of the Criminal Procedure Code. In accordance with the recommendations made by the Commission the Government of Bengal by a Notification, published in the Calcutta Gazette, on March 29, 1893, cancelled the Jury Notification dated October 20, 1892.



### **Composite Benches**

When the idea of Composite Benches was mooted by Sir John Peter Grant the British Indian Association wrote to him in 1875, that "the abstract principle that no degree of efficiency in appellate authority can compensate for gross inefficiency in the courts of original jurisdiction will readily be accepted by all." A generation had passed when this remark was made and the administration of justice in the original courts and the bar of District Courts had greatly improved. The Association observed that it was anomalous that District Appellate Courts should hold an inferior status to the Covenanted Officers and this state of affairs was to be remedied by placing an Indian Judge with the Civilian Judge on the District Bench. In reconstructing the judicial service all distinctions between the covenanted and uncovenanted should be removed. As in the District and High Court, the function of dealing with both civil and criminal cases was vested in the same Judge, in the lower courts the same principle might well be applied without affecting efficiency in any way. The Association pleaded that the time had come for the reorganisation of the Judicial Service on a broad and catholic basis without any distinction of race, colour, or creed; and that knowledge, ability, fitness, experience and character were to be the warrants for selection of capable men in the service. The Association contended that if civil jurisdiction be regulated and salaries fixed according to the dignity, importance and responsibility of the office and according to the descent, creed or covenant of the officer, and all competent men whether European or Indians be under certain rules, declared equally eligible, a stride would be made in the path of real progress.

### **Independence of the Bench**

The Association has over and over again urged upon the Government the paramount importance of securing the independence of the Bench. It was also convinced that unless the Indian Judge of the proposed District Appellate Court be

placed on a perfectly equal footing with his European colleague, the contemplated change would be in no sense an improvement. The Indian Judge would then merely be the image of the European Judge and mischief to the public would be the greater because the Indian Judge would be a sort of buffer between his European colleague and the outside public. As to financial considerations the Association held that the Judicial receipts in Bengal were so much in excess of Judicial charges that even after revision of the salaries and improvement in numerical strength of the judicial service, means would be found for the establishment of a composite District Bench without encroaching upon the general resources.

### **Justice of the Peace**

In 1800, the same person Mr. Blacquire, acted as the Chief of the Calcutta Police, a Magistrate and Justice of the Peace. The office of the Chief Magistrate was created in 1819. Besides the Chief Magistrates, there were about four other Stipendiary Magistrates or, properly speaking, Justices of the Peace. They presided at the Calcutta Police Courts, and disposed of criminal cases either summarily or by committing them to the sessions. In 1845, their number was reduced to two, who were called respectively the Senior and Junior Magistrates of Calcutta. It was for the first time by Act XIII of 1856, that the Judicial and executive functions of the Chief Magistrate of Calcutta were separated.

The Association did not approve of the mode of legislation of the PRESIDENCY MAGISTRATE'S BILL, the first part of which related to the High Courts that had been passed into law. The second part contained the text of the law.

### **Honorary Magistrates**

In the selection of Honorary Magistrates, the Association suggested that men of leisure and education or retired Government servants with judicial experience should be given the highest preference ; and nobody with the least suspicion of



working with interested motives should be put in charge of criminal cases.

### **Reformatories**

A Bill for establishment of reformatories in Calcutta and other places in India was passed in 1876, and one such was started on March 23, 1878, at Alipore with 91 boys; while a second came into existence at Hazaribagh for the Bihar and Chota Nagpur divisions in 1882.

The Government of Bengal in the Judicial Department invited the opinion of the Association on the subject of the establishment of a Juvenile Reformatory in Calcutta or its neighbourhood. The Association in reply stated that though the system had worked satisfactorily in England its necessity did not exist in India. The number of juvenile offenders especially in Bengal was very limited and scarcely called for a Reformatory School. But even if the juvenile offenders had not been so few, the Association still had its doubt whether a prison house would prove a good school for moral reformation and practical improvement. Deprived of liberty, of the wholesome influence of home, of parental supervision, and of the company of the dearest and nearest ones, mixing in the society of brethren in crime, superintended by foreign masters, who however kind and conciliatory, could not be expected to enter into their inmost feelings or supply the place of parents, it was extremely doubtful whether these juvenile offenders would realize the good so laudably aimed at. The Association expressed their dissent from the principle of the Bill. They recommended that the Bill ought to be confined only to convicted criminals and it was accepted by the Government.

### **Imprisonment of Ladies**

The arrest of some purdanashin ladies in execution of some decrees of the High Court and putting them in prison created a great commotion at the time. The Association submitted a representation to the Lieutenant Governor that

neither under the Hindu nor the Mahomedan law such ladies could be arrested. This exemption continued until 1868. In 1864, Justices Loch and Seton-Kerr rejected a petition for the arrest of such ladies because a Full Bench decision had gone against such measure in a previous case. In 1868 in the case of *Maharani of Burdwan vs. Sreemutty Baroda Soondari Debi* a Division Bench reversed the decision so long followed. A Full Bench upheld the latest decision, but the Chief Justice, Sir Barnes Peacock, observed that the exemption from arrest must have been based on good reasons and noble sentiment of saving the annoyance and disgrace to the ladies which would necessarily be caused by such arrest. Justice Dwarka Nath Mitra in concurring with the learned Chief Justice observed "that in exercising the discretion in ordering the issue of a warrant for the arrest of a zennana lady, the custom, habits, and the feelings of the native community ought not to be altogether overlooked. Such practice obtained in the late Supreme Court, and it ought not to be departed from unless the ends of justice absolutely require that such a warrant should be issued." Whatever doubt existed as to the law on the subject as laid down in the old Procedure Code, was removed by the provision of the new Procedure Code of 1877.

Mr. (later Rt. Hon'ble) Ameer Ali, Secretary of the National Mahomedan Association, wrote to the Secretary of the British Indian Association on April 29, 1881, from 4, Royd Street, asking for their co-operation in submitting a memorial to the Government of India, Legislative Department, against the provisions of the Civil Procedure Code, Act X of 1877, under the authority of which purdanashin women had been arrested. The Association offered them their full co-operation and help.



## CHAPTER VI

### EXTENSION OF SELF-GOVERNING INSTITUTIONS

#### Local Self-Government

During the final quarter of the 19th century when the idea of local self-government made great strides in India, the Association systematically pleaded for the extension of self-governing institutions in India and dwelt, in particular, on the improvement of the municipality of Calcutta.

In 1875, a BILL to consolidate and amend the law relating to the MUNICIPAL AFFAIRS of Calcutta was introduced of which mention has been made in Part I of this volume. Being convinced of the evils which would visit the citizens of Calcutta if the Bill became law, a public meeting was convened on February 12, 1876, in the Hall of the Association. After a Memorial had been sent to the Lieutenant Governor on the basis of a resolution accepted in the meeting, a deputation waited upon the Lieutenant Governor with the memorial. Later, the Select Committee upon the Bill fixed March 4, 1876, for meeting the memorialists. The Association along with other points put special stress on the part relating to general control of the Government over the Municipality. The point raised by the Association had some effect upon the Select Committee. The Bill was amended and passed on March 25, 1876. It did not meet the demands of the Association for complete municipal self-government as it still retained too much power in the hands of the Government.

The Association thereupon submitted a memorial to the Governor General in Council to withhold his assent to the Bill. The reasons which the Association urged in support of this prayer were:

(i) that the Bill was passed by the standing official majority of the Bengal Council, all the non-official members present voting

against, (ii) that while it professed to concede self-government to the people of Calcutta it left the appointment and dismissal of the Chief Executive Officer in the hands of Government; (iii) the Bill sanctioned the union of the functions of Chairman of the Commissioners and Commissioner of Police in the hands of one person; (iv) the Bill sanctioned additional objects for Municipal expenditure, which were likely to result in additional taxation; (v) under the power given for making bye-laws, rules for the registration of marriage might be made, and such rules would be exceedingly repugnant to the social feelings of Hindus and Mahomedans; (vi) under the new Act the cost of maintenance of bathing ghats hitherto borne by the Port Commissioners was proposed to be thrown on the Municipal Fund, as well as the cost of maintenance of existing gardens and the opening of new ones; (vii) though the erection and maintenance of public Halls formed a legitimate charge upon the Municipal Fund, the Association argued that it would be unreasonable to sanction expenditure on works which are but luxuries when the paucity of funds does not permit money being laid out on numerous legitimate requirements; (viii) the Act empowered the Commissioners to build police stations and lock-ups from the Municipal Fund, whereas most of these stations were held in rented houses, one-fourth of the charge for which was paid by Government. The result of this provision would be a saving of one-fourth expenditure to Government and consequent addition to the burdens upon the Municipality; (ix) optional power was given to the Commissioners for sanctioning unlimited outlay on objects connected with the public safety, health and convenience. When the discretion was not restrained by any limiting clause, the maximum rates of taxation might be levied whenever the Commissioners chose; (x) though the water rate was proposed to be raised from 5 to 6 per cent, the supply of water at high pressure was proposed to be reduced from 17 to 3 during 24 hours.

### **Constitution of Corporation**

Eventually, the Bill was passed. It entrusted the Municipal administration of Calcutta to a Corporation of 75 members, two-thirds or fifty of whom were elected by the rate-payers and one-third nominated by the Local Government. The Chairman was an official as he had always been.

In consequence of complaints of the European community Government appointed a commission of inquiry in 1884, which



whilst pointing out many shortcomings admitted much progress in the working of the Corporation of Calcutta.

### Sewers

The length of sewers had extended between 1876 and 1884, from 86 miles to 187 miles and the supply of water to the town had increased from  $6\frac{1}{2}$  million gallons a day to 20 million gallons, seven-eighths of which were filtered water, whilst gas lamps had increased from 2,718 to 4,488 in number.

The principal changes made by the Municipal Act of 1883-1884, were the abolition of the classification of municipalities, the extension of the elective system to all municipalities except the few that were scheduled, and the grant in nearly all cases to the Municipal Commissioners of advanced municipalities of the right to elect their own Chairman. Special provisions were also introduced enabling the Magistrate to exercise an effective control.

On April 15, 1887, the Association received a copy of the Bill to consolidate and amend the law relating to the Municipal affairs of the town and suburbs of Calcutta and was invited to express its opinion regarding the provisions of the Bill. On January 13, 1888, the Association submitted that the amalgamation of Calcutta with the suburbs would entail heavy expenditure without any possibility of income in near future. The scheme contemplated the addition of an area to the town of twice its present size and a population of about 1,83,000. The area to be added being noted for its grossly defective sanitary condition and on account of being too sparsely populated would not be able to yield by way of taxes anything like the sum necessary for its reform and re-organisation. The town would consequently be saddled with heavy responsibility for which it was not at all capable. The Amalgamation Committee had stated in their report that "the new obligations which the scheme would impose upon the Municipality must be met, if they are to be adequately fulfilled, by new sources

of income.” But the Bill did not provide for such “new sources”. The Association was of the opinion that a thorough enquiry by experts was desirable before the measure was finally accepted. It further observed that the principle of regulating the number of representatives according to population had been entirely overlooked. Neither wealth, social position, influence nor nationality of the inhabitants had been taken into consideration.

### **Representation**

The plan proposed to delegate 2/5ths of the power of nomination to private bodies like Port Commissioner, Chamber of Commerce and the Trades Association. Most of them were at the time associations of private individuals who joined together for the protection of their private interests. As individuals they had their votes. It was neither reasonable nor fair that they should be invested with privileges which were denied from others. European or native, of similar character. However, the Bill was passed into law.

The Calcutta Municipal Act of 1888, extended the jurisdiction of the Calcutta Corporation over a large portion of the suburbs, qualifications of voters at elections were revised, the system of allowing plural votes was recognised and the system of valuation of the house property in Calcutta was thoroughly recast. Houses and hut regulations were entirely rewritten. Filtered water supply was considerably increased. The first election under this Act took place in March 1880.

### **Objectionable Remarks**

An unfortunate remark of the Lieutenant Governor, Sir Alexander Mackenzie, made in reply to an address of Commissioners for the Corporation of Calcutta at the time of laying the foundation of some new drainage system caused considerable resentment amongst the Indian public. He said that their “city was a disgrace to the Empire”. The English



Town Councils he remarked “were made up of capable men of business” but the municipal body in Calcutta consisted of persons who talked instead of acting. He broadly hinted that there were far too many lawyers amongst them whose individual stake in the town was small. On this issue the Commissioners assembled in a meeting and recorded “emphatic protest” against the uncharitable remark quite uncalled for on the occasion.

Lord Curzon intended to officialize the Corporation and with this end in view THE CALCUTTA MUNICIPAL (AMENDMENT) BILL OF 1897, was introduced. This highlighted the Viceroy’s reactionary policy. A resolution adopted at the Lucknow Congress disapproved of the policy subversive of the principles of Local Self-Government.

Though a local measure, the Calcutta Municipal Bill attracted notice of people all over India as it struck at the very root of the principle of democracy and caused a deep concern. But Lord Curzon’s influence prevailed and the Bill was passed into law with all its obnoxious features.

Mr. Colman Macaulay, Officiating Secretary to the Government of Bengal, Finance Department, sent a letter to the Association early in the eighties conveying the Resolution of the Government of India on the subject of the extension of Local Self-Government.

The main features of the scheme were (i) the transfer to local control of provincial expenditure under the heads—medical, charity, education, and public works ; (ii) the constitution of Municipal Committees on a broad basis ; (iii) the concentration of all local administration other than that embraced by municipalities in the hands of one Committee for each district, having auxiliary Sub-Divisional Sub-Committees for each tehsil or sub-division as the case may be.

The Association suggested that three-fourths of the members of a Municipality should be elected by the rate-

payers, paying a certain amount of rate per annum and the remaining fourth nominated by Government whose tenure of office should not be less than five years ; that the Chairman, Vice-Chairman and Secretary should be elected by the Municipal Commissioners ; that the discretion of the Municipal Commissioners should not be fettered in the discharge of their duties but that the Government should be armed with the power, in case of gross neglect or default, to require the Municipal Commissioners to carry out certain absolutely necessary works of conservancy and sanitation. To give effect to these suggestions ; it would be necessary to amend the Municipal Act, the Association observed.

### **District Boards**

Regarding the formation of District Boards, the scheme proposed by the Government of India was as follows : The establishment of a Central Board at the headquarters of a district with subordinate Sub-Committees in sub-divisions making the Magistrate-Collector President of the former, and the sub-divisional officer the President of the latter ; also the local bodies in each case to comprise non-officials of at least one-half to two-thirds either elected or nominated ; the possible amalgamation of several Committees where they exist and the formation of the Committees where they do not.

The British Indian Association suggested that as was the suggestion with regard to the Municipal Board, three-fourths of the members of the District Board should be elected and one-fourth nominated. The qualifications of the electors to be based on payment of a certain amount of cesses per annum. The Sub-Divisional Committee, in its opinion, should not be a Sub-Committee of the Central Board, but should be duly elected and nominated as a distinct body and two members of each Sub-Divisional Committee should be returnable to the District Board. The Association strongly deprecated the proposal of making the executive head of a district the head of the District Board. If the District Board be handicapped



by the presence of the District Magistrate as its permanent Chairman there would be little room for independent action by the Board. The British Indian Association, therefore, recommended that either the Board should elect its own Chairman or that the Government should nominate to the chair an officer who is not charged with executive work in the district; in which case, the Board should have the liberty to elect its own Vice-Chairman and Secretary. The Association further recommended that in order to secure good attendance at the meetings of the Board and Sub-committee, travelling allowances should be given to members not residing within the town where the office of the Board or of the Sub-committee might be situated. As to the funds which should be placed at the disposal of the Board and the powers with which they should be invested., the Association added, that the licensing of liquor shops and the extension of compulsory vaccination should be vested in the District Board and Municipal Committee. It was not that the whole of excise revenue which was considered a source of provincial income should be made over to them. In conclusion, the Association submitted that a comprehensive legislation be made on the subject.

The BENGAL LOCAL SELF-GOVERNMENT BILL was passed and became Act III of 1885. By this Act Local Boards were empowered to elect as members of the District Board any persons qualified for election to a Local Board. A schedule was added of districts in every sub-division of which a Local Board should be constituted with 2/3rds of the members elected. The Act gave the Board powers and duties in regard to roads, communications, education, hospitals, dispensaries, sanitation, vaccination, famine relief, taking census, maintenance of bungalows, fairs and exhibitions and other matters of public interest and utility.

## CHAPTER VII

### MISCELLANEOUS

#### ‘Zemindary Dak’

The arrangement for transmission of police letters under Act VIII of 1862 (‘the DISTRICT DAK ACT’) under which the zemindars had some share had become anomalous in its operations in certain respects and the British Indian Association came forward with its own suggestions for their improvement.

Under the said Act (VIII of 1862) the Zemindars had to render service supposed to be of a voluntary nature from the operations of which some were excluded. Subsequently it was substituted by a Cess which every zemindar had to pay whether police correspondence passed through their estates or not. In the matter of appointment, dismissal and payment of remuneration of the runners and of all others connected with the system the Magistrates were the final authority. They were authorised to levy a rate from the landowners, sudder farmers and other persons paying revenue to Government in respect of land within the district and to exempt persons whose sudder *jama* in any one district did not exceed Rs. 50 a year.

The Association, in 1886, pointed out that the Zemindary Dak had been made a branch of the Imperial Postal Service and that no reduction had been made in the demand for the Zemindary Dak Cess and the law further enjoined that no Zemindary Dak should exist where the Government Dak functioned. The Association urged that the Zemindary Dak should not form a part of the general postal system, and that it should carry police letters only, and the collection of Cess should terminate where Government Dak had come into existence. The Association was informed by the Government



that their representation had been receiving the consideration it deserved.

### Indian Emigration

In keeping with its principle of upholding the cause of the helpless and poorer classes against the attacks of the rich and the wily the Association came forward to register its protest against the workings of the Indian Emigration Department which had been greatly agitating the minds of the public during 1879-80. A Commission, was appointed in 1880-81, to go into the matter with the principal object of making recruitment of labour for the tea gardens more easy and less expensive. On the recommendations of the said Commission an Act (I of 1882) was passed on January 6, 1882. The two most obnoxious features in the Act were the saleability of labourers as chattels along with the tea estates and the power of arresting deserters without a warrant. No justification could be advanced in support of the sale of labourers ; but in respect of the other point a section of the English Merchant Shipping Act was cited where a deserter from a ship could be arrested without any warrant. The Association called it a measure unprecedented in the legislation of the civilised world. In case of natural affection and in the interests of the immature, a guardian could arrest a minor or as a matter of social justice, a passer-by could arrest a murderer without warrant. The principle followed in case of application of the clause of the Merchant Shipping Act was totally inapplicable in the present case inasmuch as a deserter from a ship had to be produced before a magistrate within twenty-four hours of his arrest, whereas a cooly-deserter might be, under the law, carried from one end of the country to the other, and kept on travelling for six months without allowing him to appear before a magistrate. And the worst feature of the new legislation was that the offender could escape, in case he was found guilty, with a paltry fine of Rs. 50. The law was defended on the ground that the garden coolies were better

lodged, better fed, better clothed and better kept than what was their usual way of living in the homes. The Association pointed out that this strange argument would allow the Government to put the poorer people in the Alipore Jail where the prisoners live a more comfortable life than outside it.

In his Despatch No. 117 dated November 17, 1892, the Secretary of State for India suggested that legal powers should be taken in this country to admit conditions being imposed analogous to those required under the English Act of 1876, relating to treatment of animals. On the draft Bill the Association expressed its warm approval to the measure which was a great advance upon the existing law for the prevention of cruelty to animals. It appeared to the Association that the new law had the wholesome feature of protecting the dumb creatures without placing any obstacle to *bona fide* scientific researches.

### Boer War

On the outbreak of hostilities between Great Britain and the two Dutch Republics in South Africa and in response to the appeal of the Lord Mayor of London to raise funds from Indians in support of the war effort, the British Indian Association decided to collect funds for the purpose. It wholeheartedly participated in the meeting convened by the Sheriff of Calcutta, and held in the Town Hall, on January 27, 1900. The promised donations in the meeting exceeded Rs. 80,000 out of which a draft of £4,000 or Rs. 60,000, was sent to the Lord Mayor as first instalment. A large number of the members of the Association had previously contributed handsomely to the Transvaal War Fund opened by Messrs King, Hamilton & Co. and to the Lumsden Horse Fund. In acknowledging receipt of the first contribution, the Lord Mayor was pleased to convey to the Honorary Secretary of the Association and to all subscribers "my grateful thanks of this touching and most munificent expression of their sympathy."



## CHAPTER VIII

### INSTITUTION OF PRIVATE PROPERTY

One of the dominating facts of modern civilisation, the institution of private property, has been attacked and sought to be altered on various occasions in India during the last fifty years. The Association found it necessary to emphasise time and again the important role that this institution has played in the evolution of Indian society. Subject to reform in keeping with changing times, the Association solemnly believed private ownership of property could still be a great instrument of broadbased social progress.

#### Property and Inheritance

Ultra-radical alteration in the character of rights over and distribution of property easily lending to the spread of subversive doctrines or proposals destructive of the existing social structure was strongly criticised by the Association. In India, as perhaps nowhere else in the world, property arrangement, devolution and distribution take place even now more in consonance with religious conventions than on anything else. The incidence of property is governed by inheritance, and religion in its turn regulates inheritance. Unthinking modification of property-rights, carrying with it scant regard for religious injunctions, has accordingly been roundly condemned by the Association. When an alien Government was pretty little conscious of the high regard for religion in India and when westernised Indians thought that India's way of salvation lay in scrapping time-honoured religious injunctions, it was the Association that uttered a note of caution. It supplied informed opinion on matters which was complicated enough to perplex persons born and brought up in a foreign clime, under altogether different culture and social pattern.

### **Endowments, Trusts and Gifts**

Early in the present century the Government of India sought to control religious endowments. For facilitating the institution and prosecution of suits relating to the management of public trusts of a religious or charitable nature a bill was introduced in the Imperial Council. Commenting on clauses 2 and 5 of the Bill, the Association maintained that the Court fee on a suit under Section 14 of the Religious Endowment Act 1863, was not so heavy as to require its exemption and that the exemption of Process Fee would offer a premium to institution of false malicious suits. It urged that these clauses be dropped from the Bill.

Again, early in the twenties, Government of India, seeking to provide more effectual control over the administration of religious and charitable trusts brought forward a Bill. The Association desired that there should be provision for appeal to the High Court against an order of the District Judge, and asked for the appointment of a Board or Special Committee at the District level to declare the number of public endowments there.

In 1924-25, Sir Hari Singh Gour introduced a Bill in the Central Assembly to make provision for the better management of Hindu Religious and Charitable Trust Property and for ensuring the keeping and publication of proper accounts in respect of such properties. The Association protested against the growing practice of legislating on matters connected with Hindu religion in the Indian Legislative Assembly in which Hindus did not certainly preponderate. As circumstances differed widely in the different provinces, the Association pointed out that any such legislation should better be undertaken in the Provincial Legislative Councils. Moreover, the Bill contained no definition of religious or charitable Trust, and the existing ones might, therefore, be put unnecessarily to a great deal of trouble and expense. At all events, the Bill should first of all be discussed by a preliminary



Committee composed of Hindu members only. The Law Member referred to the opposition of the British Indian Association to it and intimated to the Assembly that the Government also did not like it. The Bill was referred to a Select Committee.

Matters affecting Muslim religious endowments duly engaged the attention of the Association. Moulvi Abdul Gani Chowdhury introduced the BENGAL WAKFS BILL in 1932, in the Bengal Legislative Council. The Association was in agreement with the principle of the Bill but found that in actual working the Bill would bring the constituted authorities in conflict with judicial authority.

According to Hindu law a gift or a bequest in favour of a person not in existence on the date of the gift or bequest is void. The same provision obtains in Mahomedan law provided that the ultimate dispute is not for the benefit of charity. With a view to enabling the court to carry out the settlors' or testators' intention the Hon'ble Mr. Setalvad brought forward a Bill in the Imperial Legislative Council during World War I, to enable the Hindus and the Mussalmans to dispose of properties by transferring *inter vivos* and by will for the benefit of unborn persons, within certain limits. The Association generally welcomed the Bill but maintained that there should not be any undue interference by the Legislature with the rules of Hindu and Mahomedan Laws by such disposition.

### **Women's Inheritance**

The position of Hindu Women in relation to property and inheritance has given rise to keen controversy in recent times. This was another proof of the urge for emancipation of Indian womanhood which received a tremendous fillip in the course of the national struggle for freedom from foreign rule. The Association looked at this subject sympathetically, but had to admit that legal and religious obstacles, if not social, were still formidable against any proposal for complete

economic emancipation for women, even in the matter of inheritance. It admitted the need for change as was justly demanded by the needs of the situation, but advised cautious moderation.

The Judicial Committee of the Privy Council as well as the courts in India held that a Hindu widow takes only a limited estate in the property of her husband and that on her death such property passes to the heirs of her husband except as to such portion as might have been alienated by her for legal necessity. Such alienation binds the actual reversioners succeeding to the estate on the death of the widow. But the propriety of these transactions is generally called into question only after the death of the widow, when most of the evidence had disappeared. This operated to the detriment of the widow and of the purchaser. As a remedy, the Hon'ble Rao Bahadur M. Ramchandra Rao Pontulu Guru desired to introduce a Bill in the Madras Legislative Council. The Association maintained that as a general principle it was desirable that the Court should be empowered to issue advertisements giving public notice of the application for alienation of the property and to hear at its discretion such persons as may appear in pursuance thereto. As the limited owner would have to wait for months, before she could obtain sanction of the Court for the sale of the property, the Association urged for expediting the disposal of such petitions.

Early in the thirties, Rai Saheb Harabilas Sarda introduced in the Central Assembly the HINDU WOMEN'S RIGHT TO INHERITANCE BILL. The Association, however, opposed this legislation. It argued that a widow could not do any spiritual benefit to the forefathers under the religion, and as such, should not inherit. A few years later he introduced a less ambitious, but what appeared to the Association to be unnecessary, Bill under the title HINDU WIDOWS' RIGHT OF MAINTENANCE BILL. The Association stated that under the Dayabhaga law a son is bound to maintain the mother if he



inherits his father's property, otherwise the mother gets a share of the property equal to that of the son. The Bill was dangerous because it cut across the principles of testamentary disposition of one's property.

Naturally, the Association opposed whenever later Bills were introduced in the Central Assembly by Mr. P. C. D. Chary or Dr. G. V. Deshmukh for partitioning the inheritance also amongst women relations. In 1937, an amendment to HINDU WOMEN'S RIGHT TO PROPERTY ACT was moved, seeking to enlarge the property rights of women. The Association expressed the apprehension that such enlargement of property rights would be detrimental to social stability. Another amendment was moved later by Mr. Akhil Chandra Dutt. The Association did not approve of the property of the deceased being inherited by his daughter in equal share with son, but the Bill contemplated a contingency which, the Association thought, would justify the devolution of the property in favour of the daughter, subject to the limitations and in the order provided by the Hindu Law. The Association supported the modified Bill. In 1942, Rai Bahadur Manmatha Nath Bose sought in a Bill to remove the legal handicap and to provide for the Hindu Women's rights to property in respect of the devolution of agricultural lands. The Association extended its support to the Bill which would make the working of the Hindu Women's Rights to Property Act 1937, and Hindu Womens' Rights to Property (Amendment) Act 1938, both possible and smooth.

While the Central Government proposed to revise the whole law of HINDU INTESTATE SUCCESSION, the Government of Bengal brought forward a Bill to extend the provisions of the Hindu Women's Rights to Property Act 1937, to agricultural lands in Bengal with retrospective effect. It proposed to give the widows full measure of benefit of the Act of 1937. The Association criticised it as it would lead to fragmentation of agricultural property, but held that the testamentary power

of the proprietor was enough to meet the injustice of the prevailing situation.

### **Codification of Hindu Law**

All the while the Association showed keen awareness of the wider question of codification of Hindu Law. Property rights for Hindu women in general or widows in particular touched only the fringe of the problem. General questions of succession, marriage, divorce and adoption—in fact, every branch of the Hindu Law—was bound to assume grave importance in times to come. To the suggestion of a total change from the past, the Association reacted stoutly.

Early in the twenties, in the Council of State, the Hon'ble Dr. Ganga Nath Jha, Professor of Sanskrit in the Muir Central College, Allahabad, moved a resolution recommending that steps be taken towards the appointment of a Committee to consider the advisability and possibility of codifying the Hindu Law and the desirability of introducing changes as may be consistent with the texts of Hindu Law. Dr. Jha pointed out that the original texts of Hindu Law had been changed a great deal by responsible exponents so that British Judges began to let, rightly or wrongly, commonsense play upon matters relating to Hindu Law. The Privy Council laid down the dictum that "custom or usage is to outweigh as against the written text of the law." The Hon'ble Dr. Sapru, the Law Member, observed that it was difficult to give a comprehensive definition of what Hindu Law was. After dwelling upon this stupendous character of the task proposed, the Law Member proceeded to suggest that the opinion of the High Courts and the learned bodies should be sought as to the principle whether codification was at all necessary. Dr. Jha agreed and withdrew his resolution in the Legislative Assembly. However, Mr. D. G. Bagde moved a similar resolution. The Association observed that in view of the wide divergence prevalent in different parts of India, any attempt



at the unification of law would not only be a Herculean, but perhaps an impossible task. Different communities and different sects follow different commentators whose expositions of the different texts are regarded as sacred as the texts themselves. The Association was of opinion that what was wanted was not codification of Hindu Law but correct publication of the text of the shastras and the text of the commentators and, therefore, suggested appointment of a Committee consisting of learned men, lawyers and judges to collate and examine ancient manuscripts and publish them with their correct translation.

Not long afterwards, there was a suggestion that the illegitimate sons of the three regenerate classes of Hindus should be placed on the same footing as illegitimate sons of the fourth class in the matter of inheritance. The Association commented that the proposal was a most unwarranted and unprecedented departure from the text of the Hindu laws of succession, for the illegitimate son of any of the three regenerate classes cannot inherit but is entitled to maintenance only. The Association thought that the proposed amendment would encroach upon religious belief of a regenerate Hindu and that it would involve interference in the field of religion of an important section of the Indian population.

### **Hindu Law Committee**

The Hindu Law Committee, 1941, under the Chairmanship of Sir B. N. Rau recommended the codification of Hindu Law including the LAW OF SUCCESSION and the LAW OF MARRIAGE. The Government of India accepted this recommendation. The Committee thereupon drafted two Bills, one in respect of succession and the other in respect of marriage. The Association found that in the first Bill the basic principles of devolution of properties had been subverted. It maintained that not pulverisation but preservation of property should have been attempted and that property should function by way of relief to the family of the owner and should go to

him to serve the interest of the owner. The Association further maintained that such an important matter as Hindu Law should not be changed on the authority of the Government but that such change should come rather from within. Besides, the Central Legislature had no competence to alter laws relating to devolution of agricultural lands and thus these intended laws would not touch agricultural properties at all. There would thus arise two sets of laws of succession. The Association also issued a pamphlet on the subject of the Bill to educate public opinion. Criticising the provisions of the Bill Maharajadhiraja Sir Kameswar Singh of Darbhanga, President of the Association, maintained at the Annual General Meeting in 1943, that this was the unkindest cut of all. India had tolerated so far many inroads upon her civilisation and culture, for these let her religion untarnished, but this was not to be any more. There was little justification for altering the personal laws of Hindus to suit the fancy of a handful of so-called reformers backed by non-Hindu and the Government block. "I beseech them" said the President, "not to bother their heads as to what is good for us. We may better be left to our fate more particularly in matters that are personal to us. In my opinion, Government should not touch the personal laws unless there is a widespread demand for it."

### **Intestate Succession**

The HINDU INTESTATE SUCCESSION BILL was introduced in the Central Legislature in 1942. It sought to abolish the Hindu Women's limited estates and to remove the sex disqualification of Hindu women which precluded them from inheriting property. It was referred to a Select Committee. The Association sent a detailed critical review of the Bill to the Government of Bengal, to the Government of India and to the members of the Select Committee\*. In a memorial to the Governor-General of India the withdrawal of the Bill was

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\* See Appendix



urged. The Association tried hard, and a protest resolution was passed by the Bengal Legislative Council. The Government of Bengal were opposed to the Bill and the proceedings of the Council discussion on the Bill were forwarded to the Government of India. The Association organised a conference of important legislators and distinguished Hindu citizens for the purpose of enlisting their support against the Bill. It extended co-operation to the Brahmin Sabha and the Varna-shrama Swarajya Sangha and other bodies to mobilise public opinion against the Bill. The Association called upon all District Landholders Associations, Municipalities, District Boards and Bar Libraries in Bengal to raise their united voice of protest against the Bill, adopt appropriate resolutions and send them to the proper authorities. Through the initiative of the Association a protest resolution signed by many prominent citizens, including the Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga, Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A., of Burdwan, Maharaja Sashi Kanta Acharyya Chowdhury, M.L.A., of Mymensingh, Maharaja Probirendra Mohan Tagore, Raja Bahadur Maniloll Singh Roy, C.I.E., of Chakdighi, Dr. Syama Prasad Mookerjee, Working President, All India Hindu Mahasabha, Mr. N. C. Chatterjee, Working President, Bengal Hindu Mahasabha, and Dr. Radha Kumud Mookerjee, M.A., P.R.S., Ph.D., was sent by wire to the Governor General of India. In its own resolution, the Association urged that in view of the abnormal condition of the country during the war the Bill be dropped.

The Joint Select Committee of the Central Legislature submitted its Reports on the Hindu Intestate Succession Bill. On May 1, 1944, in a representation to the Government of Bengal, the Association opposed the basic aims of the Bill which sought to alter the socio-religious institutions of the Hindu community by legislative interference. In the process, it did not give a common law of succession to the whole of

India. It removed sex-disqualification in respect of succession to paternal property, though under the Shastras, only the son, and not the daughter, was entitled to offer *pinda*. The Association suggested that *stridhan* should not include property inherited from the males, and that a woman should have a limited interest over properties inherited by her. However, the Association agreed to compensate the daughter by cash payment of a sixth of the son's share towards her maintenance, residence, etc., while the share of the widow of the pre-deceased son should be one-fourth of a son's share, provided she remained chaste. The Association further suggested that apostacy should ordinarily be a disqualification for inheritance and that, in the event of *sagotra* marriage there should be limitation on succession.

The DRAFT HINDU CODE was drawn up in six parts. The Association noted that Parts IV, V and VI, dealing respectively with Marriage and Divorce, Minority and Guardianship and Adoption had registered improvement on practical lines, but that Part II, dealing with Intestate Succession was extraordinary and revolutionary. It was calculated to break homes, ruin properties, and increase litigation. The Association generally disapproved of the importation of so-called progressive doctrines on the plea of uniformity and co-operated with other organisations in denouncing such fundamental changes.

Press reports indicated that the Draft Hindu Code would be finalised in the autumn Session of Parliament in 1948. The Association in a resolution while commending the more acceptable provisions of the Code described it on the whole as "a discriminatory piece of legislation against a particular institutional religion . . . . . by a State which professes to be secular." It was feared that the Code would create a permanent hiatus between the Hindus in India and Hindus abroad while "unity even on a national plane will not be achieved because some other religions would be left outside the pur-



view of the Code.” Apprehending disintegration of property, the Association maintained that “the adoption of the Code will entail eventually a flight of capital into the neighbouring Dominion and will seriously cripple productive efforts in India when on production and more production alone India’s economic stability seems to depend.” Finally, it stressed that this important piece of legislation should be handled by the accredited representatives of the people of Hindu society casting their votes according to the principle of adult franchise. The consideration of the Draft Hindu Code was postponed at the autumn Session of the Central Assembly in 1948.

While the HINDU CODE BILL was being discussed in the Central Legislature, Mr. Naziruddin Ahmed and Shree Lakshmi Kanta Moitra from West Bengal put up a stiff fight against it. In this connection, Prime Minister Pandit Nehru made a declaration that Government would make the passage of the Bill an issue of confidence. Adverting to this, the Association in a resolution, copies of which were sent to all the Cabinet Ministers, deplored this decision of the Government and criticised the indecent haste to pass the Bill with the help of a solid majority within the Legislature. The Association suggested that the Bill might wait the formation of the new Parliament which would be returned on the votes of the adult population of India under the new Constitution.

The Government of India seemed determined to pass the HINDU CODE BILL, into law either at the Budget Session of 1951, or at a special session to be held soon after. The Association had generally opposed the Bill, and now took the opportunity to mobilise public opinion in favour of the stand taken by it. Taking advantage of the presence in Calcutta of Mr. Baldeo Swarup Seth, a Member of Parliament from a Native State of India, the Association arranged a Conference in which besides Mr. Seth were present, among others, Sir Bijoy Prosad Singh Roy, Raja P. C. Lall of Nazargunge, Mr. Narsingh Das Bangur, representing Indian Chamber of Com-

merce, Rai Bahadur Bijoy Behari Mukherjee and Mr. P. N. Singh Roy. The Association thereafter sent a detailed letter to the Hon'ble Dr. B. R. Ambedkar, Minister of Law, Government of India, delineating its opposition to the provisions of the Bill as amended in August 1948 by the Select Committee.

Apparently, the Bill was an instance of "secularism with vengeance". It openly discriminated between the Hindus, the Buddhists, the Jains and the Sikhs on the one hand, and the Muslims, the Christians and the Parsees, on the other. Even within the Hindu rank it provided for disunity, by extending special allowance to Marumakkatayam, Aliya Santana and Nambudri laws of inheritance. It tended to break up special solidarity between Hindus in India and Hindus elsewhere ; for instance, in Pakistan. The Association regretted that the Bill "would indeed kill the very spirit of internal growth which is the *clan vital* of Hinduism." It doubted the moral competence of the legislature to pass the Bill. Most of the Native States had not been consulted about it ; nor had the members of Parliament received any clear mandate from the people on this all-important subject. The Association, therefore, contended that Part I of the Bill ; should not be rushed through, without eliciting public opinion in the Native States, summarily rejecting all prevailing customs and conventions. The Association noted with the utmost concern that in Part II, sacramental and civil marriages had been almost placed on the same footing since every sacramental marriage would have to be compulsorily entered in Hindu Sacramental Marriage Register which was antagonistic to the very basic principle of sacramental marriage. The Association had nothing to say against the provisions of the Bill concerning civil marriage. Regarding Part III, the Association opposed the provisions relating to the adoption of any boy as a son provided only he was a Hindu. It contended that proper religious sanction to perform the rites of oblation to the departed father would not be available in every case



and stressed, against the provision of the Bill, that *datta homam* was essential to the validity of adoption. About Part V, the Association maintained that Government appeared to be concerned with the regulation of marriage and succession and it should not have scrapped the Mitakshara principles of co-parcenary rights and consanguinity. Regarding provisions in Part VI, the Association appreciated the important role that women in India were playing in social life and maintained that economic justice and social improvement demanded a conferment of some rights to property on them. It was just that certain categories of women should be included in the line of succession and that they should hold all rights incidental to the ownership of property, except that of disposal. In Part VII, it disapproved the adoption of an entirely new line of succession discarding the well-tried principles of blood relationship and religious efficacy. It apprehended the disintegration of the father's property and entry of total strangers in the ancestral dwelling house through the daughter's marriage. The married daughter, the Association held, should not be placed on a footing of equality with the son.

The Association requested Sir Kameswar Singh Maharajadhiraja of Darbhanga, an ex-President of the Association, and pre-eminently a representative of the Hindus in Parliament, to place the points of view of the Association before the Hon'ble Minister for Law before any Conference of the Members of Parliament which Government might call later in this connection. However, the Bill was not passed into law, and with the dissolution of Parliament the Bill lapsed.

## **PART III**

**(1905-1952)**

### **CHAPTER I**

#### **FINANCE AND TAXATION**

A proper handling of the problems relating to money and its judicious application, viz., banking, insurance, public finance, including taxation and federal finance is considered essential for all-round well-being of a country. The Association had kept a watchful eye on adoption of a right monetary policy by the Government and also upon its appropriate taxation measures. It had strongly criticised the trends in monetary transactions which led to the general impoverishment of the country. It had also stoutly opposed such tax measures that had imposed heavy burdens upon the people without consequent benefit to the masses. Moreover, it had enunciated financial policies that were likely to ensure a stable economy. The steps taken by the Government of India for reforming the Indian coinage system from time to time were studied by the Association from the popular point of view, and it submitted its representation to Government accordingly.

#### **Currency Notes**

In 1905, the Government of India proposed to withdraw the privilege of encashment of currency notes for any amount exceeding Rs. 5 issued from any Presidency town at any other Presidency town where there was a Currency Office. The Association concurred with the proposal on the ground that it would offer relief to general tax-payers, and hoped that the introduction of the system of Treasury Transfer between sub-circle offices and presidency towns would obviate the inconvenience that would otherwise be caused to traders



and merchants by the proposed change. When the Indian Paper Currency Bill was introduced in 1905, the Association urged upon the Government the desirability of making a reserve fund equal to the amount of currency notes for the time being in circulation. It took this opportunity, however, to suggest that for the convenience of bonafide travellers foreign circle currency note should be encashable in all the currency circles. In consonance with the demand of the Association the Indian Paper Currency Act was further amended in 1909, to "universalise" notes of the denomination of Rs. 10 and Rs. 50 and make them payable at any office of issue. The Government of India also accepted the suggestion, earlier made by the Association, for weekly publication of accounts of the Paper Currency Department.

Early in the twenties, the Government appointed a Committee to discuss the question of shifting the Calcutta Mint from its site on the Strand, to some other place. The Association submitted before the Committee that the area between the Kidderpore Bridge and the Docks was most suitable for the purpose on the ground that it would release valuable building space for the accommodation of the displaced people and over-flow trade of the Burrabazar area. The suggestion was acted upon in later years and an up-to-date Mint has been built at New Alipore near the Docks.

### **Inflation**

Monetary policy of the Government leading to inflation during the two world wars was strongly attacked by the Association. A Conference of representatives of the British Indian Association, Bengal Landholders' Association, the Indian Association, the Bengal National Chamber of Commerce, the Central National Mahomedan Association and the Muslim League was held on July 28, 1919, in the rooms of the Association to consider the subject of the abnormally high prices of food-stuff and cloth. The rise in

prices it was admitted on all hands, was due to increased creation of paper currency throughout the world to finance the War, partial failure of rice and other food crops in India, and the shortage of the rice crop in Bengal. The Conference adopted a resolution urging reduction of rice export from Bengal, importation of Burma rice and its sale at reduced prices at convenient centres in the mofussils through local agencies, establishment of Co-operative Credit Societies, reduction in freight rate, prevention of profiteering and appointment of a Food and Civil Supplies Advisory Committee.

The Association waited upon the Governor of Bengal in a deputation on September 5, 1919, and expressed satisfaction for his having appointed a Committee to recommend remedial measures, and the decision of the Government of India for the manufacture of standard cloth and sale of the same at cost price to the poor. On the other hand it expressed disappointment at the decision of the Government of India to leave untouched the imported cotton cloths while assuming control of the manufactures of the Indian Mills.

Due to inflated exports and restricted imports it was possible for India to accumulate a handsome balance of sterling to its credit. As it adversely affected the interests of India the arrangement was unfavourably commented upon in the Presidential address of the Association in 1943. It was contended that the sterling balance provided the technical background for the creation of paper currency. The President was constrained to observe that the material condition of the general public had not improved despite war contracts and war-time employments and the U.S. Technical Mission intended for improving India's technical skill for increase of production. The recommendations of the Grady Mission published in June 1943, was shelved by the Government. It was distressing to note that unlike Britain India's war expenditure was being met not by higher taxation, rationing



or increased savings but by expansion of paper currency without any corresponding reserve. The cost of living moved up. Food prices reached unprecedented height. Prices of other essential commodities like cloth, fuel and kerosene oil was no better, the goods becoming scarce. The rural economic structure was on the point of breaking down. Referring to this unmitigated distress the President in his address stated that "we have been urging upon the Government to have a planned policy for the procurement and distribution of food supplies but we find instead delay, muddle and blackmarkets."

The Association noted in 1943-44, that due to wrong handling of the currency problem inflation was raising its ugly head. The Government of India launched an anti-inflationary campaign by increasing surcharge on Income Tax, excess profits taxes and by borrowing. Other measures were also resorted to. Mr. P. N. Singh Roy, Honorary Secretary of the Association, happened to be the Honorary Secretary of the National Savings Organisation, Bengal, and he played an important part in organising and popularising these savings campaigns in Bengal. In order to control blackmarkets Government issued the Anti-Hoarding and the Anti-Profiteering Ordinance. Next year, the continued failure of Governmental control in general and prevalence of scarcity of consumers' goods, foodstuffs and cloth in particular, drew sharp comments of Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association. The cloth allotted under the All-India quota scheme scarcely reached its destination. Government stocks of food was wasted because of unscientific and inadequate godown accommodation and unsatisfactory transport arrangement. The Finance Minister of the Government of Bengal frankly stated during the budget debates of 1945 that corruption was rampant. This was a serious reflection on the national character, as also an open admission of Governmental ineptitude.

At the Annual General Meeting held on March 29, 1945, the Association in a resolution strongly condemned the bungling of the administration in relieving the acute economic distress. During discussion of the resolution Mr. P. N. Singh Roy and Kumar Bimal Chandra Sinha severely criticised Government policy. The Association in its Annual Report for 1955-56, also referred approvingly to the Demonitisation Ordinance of January 1946, intended to punish black-marketers and the Ordinance that empowered the Reserve Bank to inspect the banking companies. It was fondly believed that these measures would be able to give a healthy tone to the system of economy in the country.

After the termination of hostilities and particularly after the attainment of Independence the price went up still higher ; and the effects of inflation became more severe. In 1948, the Government of India invited some eminent economists and industrialists to a Conference at Delhi to suggest steps for combating inflation. Some of the recommendations of the Conference were found to be too drastic by the Association. In a representation to Pandit Jawaharlal Nehru, Prime Minister, Dr. Shyama Prasad Mookerjee, Minister for Industry and Supplies and Sri K. C. Neogy, Minister for Commerce, it opposed the suggestion of a tax on agricultural income of over Rs. 500 per annum, a measure wrongly expected to serve as an anti-inflationary measure. It pointed out that the proposed limit of Rs. 500 was extremely low as compared with Rs. 3,000 in the field of ordinary Income Tax and Rs. 3,500 for agricultural income under Bengal Agricultural Income Tax Act. Criticising the proposed increase in the rate of Business Profit Tax to 16.2/3% the Association pointed out that the rise in prices was due more to unproductive refugee loans, rehabilitation grants and phenomenal expenditure in certain newly-created departments of the Central and Provincial Governments than to injudicious frittering away of their profits by businessmen.



The Association suggested that to meet the challenge of inflation the control system should be made thorough-going and effective by providing for easy transport system, adequate production plan, and intelligent import and export policy and, above all, incorruptible administrative staff.

### **Devaluation of the Rupee**

In view of the unchecked inflation devaluation of the rupee appeared to some as a means of escape. The Association strongly voiced its opinion when in September 1949, Government of India devalued the rupee from Rs. 3/5/- to Rs. 4/12/- per dollar. It apprehended that the cost of food imports, agricultural implements, machineries and raw-materials essential for the economic regeneration of India would go up by at least 30%. The concomitant cut in dollar imports would affect India's production adversely by pushing up commodity prices and indefinitely suspending implementation of various long-range development projects. It pointed out that "India's principal items of export being mostly in inelastic demand abroad, she is not likely to gain special advantage either in the dollar or in the sterling areas." The Association did not fail to notice that in the wake of Pakistan's refusal to fall in line with India inter-dominion trade, particularly relating to jute and cotton were to come to a virtual stand-still.

### **Banking**

An efficient banking system is the bedrock of a country's sound financial structure. The Association took special note of any far-reaching changes in the prevailing monetary mechanism. In submitting a detailed reply to the questionnaire issued by the Bengal Provincial Banking Enquiry Committee, the Association dwelt at length on agricultural credit, loan offices, indigenous banking and investments habit, and supported the answers with statistical details. The Association pointed out that the agriculturists obtained

finance principally from the village money-lenders whose reputation for honesty was not very high and whose exacting habits were proverbial. The Association, therefore, favoured the spread of co-operative movement by means of education and propaganda. It also pointed out that the loan offices were not of any help to the cultivating ryots as they lent money to the comparatively well-to-do people on the security of their landed property, ornaments and other valuables. The rates of interest charged by indigenous bankers differed but were in no case less than 12% per annum. The Association urged for the reduction of these rates. It also pointed out that by the introduction of gold standard and development of banking institutions, the hoarding habit of the people could be overcome.

### Insurance

In the sphere of insurance also, the Association offered its suggestions and criticisms from time to time. With a view to legislating Life Insurance Laws on the lines of those prevailing in the U.K. the Government of India introduced a Bill in 1912-13, for the proper control and growth of Life Insurance Companies in India. The Association welcomed the Bill as being calculated to put down admitted abuses and protect the legitimate Life Insurance business. In the interest of the policy-holders it approved of the provision for deposit with the Government of India securities of the face value of one lakh of rupees. The Association felt that there should be some provision requiring the investment of all life assurance funds in approved securities. That very year, a Bill to regulate Provident Insurance Societies was introduced. The Association welcomed the Bill as a move in the right direction. It found the provisions of the Bill in regard to the preparation of a revenue account and balance-sheet and valuation of liabilities as being less stringent and exacting than the analogue provisions in the English Act and approved of this considerate treatment. The only weak point



in it was that it imposed upon the Registrar, who is usually not possessed of actuarial qualifications, a duty which he might not always be able to discharge by a mere examination of the revenue account and balance-sheet.

The utility to society of certain particular aspects of insurance appealed to the Association. In the interest of peasants, it had urged for starting insurance of crops in the country as a measure for reconstruction of rural India on the co-operative pattern. During World War II, it energetically entered into the question of insurance of immovable properties in urban areas as suggested by Mr. P. N. Singh Roy, Honorary Secretary of the Association. Under the presidency of Sir B. P. Singh Roy, a Conference was convened of representatives of house-owners on March 25, 1942, to consider steps for insuring house properties against war risk. The Conference set up a Committee with Sir Badridas Goenka, Kt., C.I.E., as its Chairman and Mr. P. N. Singh Roy and Mr. S. C. Roy as Joint Honorary Secretaries. The Government of India promulgated two ordinances relating to the insurance of commodities and factories against war damages. Citing these instances, the Committee recommended that the Government of India should promulgate yet another ordinance making the insurance of immovable property in the urban areas compulsory. The Committee also prepared a scheme in this regard and forwarded the same to the Government of India and to the Government of Bengal. After a question in the House of Commons and urgent enquiries made on the subject by the Secretary of State for India. The Government of Bengal in the Department of Commerce and Labour thought it fit to appoint a Committee under the Chairmanship of Mr. Debiprosad Khaitan in May 1942, on which Mr. Naresh Nath Mookerjee and Rai Harendra Nath Chowdhury were two members from the Association. This Committee was asked to work out a detailed scheme on the subject.

Before the Bengal Immovable Property War Risk Insurance Committee appointed by the Government of Bengal Mr. P. N. Singh Roy, representing the Association, gave evidence on invitation. The Committee formulated its own scheme incorporating many points from the scheme submitted to it earlier by the Association. The Association thereafter approached in vain the Government of India as also the Government of Bengal several times to expedite the implementation of the scheme.

### **Public Finance**

In the field of public finance, the Association advocated gradual and steady progress. At a time when Finance Bills happened to be passed by the authorities by mere certification, the Association, on behalf of the common tax-payers, counselled moderation. Whenever the taxes appeared to be enormously heavy or where the need for new imposition did not appear to be essential, the Association could not lend its support to them. It defended the cause of the traders, industrialists, or common men wherever their respective interests were badly hit. Autonomy in the provinces opened up great opportunities of regional development and the Association cautioned against the temptation for heavy taxation that might affect the very source to the ultimate detriment to all concerned.

In this connection the comments of Maharajadhiraja Sir Kameswar Singh of Darbhanga, in his presidential address at the Annual General Meeting of the Association in March 1943, covered every aspect of the question. He complained that taxes like the proverbial cat, had many lives. For instance, Sir George Schuster introduced surcharge on income on a temporary basis but it later became permanent. Sir Jeremy Raisman stated in 1942, that the rich had reached the limit of taxation. Yet in the same year the rate was so



raised that a man with an income of Rs. 5 lakhs was left with an anna and four pies only in the rupee after payment of the tax. The worst feature was that every time a new tax was levied or the rate was raised the plea of benefiting the poor people was advanced. The President put the pertinent question: "But has their lot improved in any way in spite of this heavy taxation?" Referring in this connection to the promises made by the Government at the time of imposition of the Agricultural Income Tax in Bihar the President revealed that no part of such promise had been honoured. What was strange was that on the collapse of the Congress Government, which gave promise of agricultural improvement, the interim administration under the Governor (under Sec. 93 of the Constitution) repealed many measures adopted by earlier Congress governments and did nothing with this tax for even a partial fulfilment of the promise though the Province had a surplus in 1943, of over Rs. 50 lakhs. The landlords paid cess but the roads remained as bad as ever. Revenues had had to be paid but there was no proper arrangement for their collection. In sheer exasperation the President remarked: "It seems that whereas Government expects us to respond to all their demands they have no obligation towards us." He concluded by saying: "Whatever the present Government may say, I feel confident that rapacity for more and more money will not allow them or their successors to honour their words."

### **Central Taxes—Income Tax**

In the sphere of taxes imposed or proposed to be imposed by the Central Government during the last fifty years, income-tax, excess profits tax, salt duty, and estate duty have at one time or another attracted the attention of the Association. In the financial year 1907-08, agreeing with the Calcutta Trades Association, the British Indian Association suggested to the Government that the profits of a foreign consignor

sending goods to his Agent in India should be assessed to Income Tax. Simultaneously, it did not fail to point out the difficulty of ascertaining the amount of profit earned as also the risk of imposing the burden of double taxes on the consignors. To assist officials in the work of assessment under the Income Tax Act the Hon'ble Mr. Rama Rayani Ayyangar suggested on January 14, 1914, in the Imperial Council that Advisory Boards be formed composed of non-official gentlemen nominated by the Revenue heads of the Districts. The Association doubted whether the establishment of such Advisory Boards would not do more harm than good.

In 1922, the Government of India brought forward a comprehensive measure affecting Income Tax. In a lengthy memorandum criticising some of the objectionable provisions of the Bill to amend the law relating to Income Tax and Super Tax, the Association suggested that the Commissioner of Income Tax should be selected from senior and most experienced members of the Civil Service. The appointment, promotion and punishment of Assessors should be left in the hands of the Local Government; that "property" and "business" should not be substituted for "income derived from property" and "income derived from business", respectively. Where there was no income as in the case of a vacant house, the owner would be unduly taxed by this change. The Association also suggested that allowances should be made for the payment of municipal rates, loss through vacancy, low charges and the actual cost of repairs, in calculating assessable income from house properties. In view of the heavy depreciation of Government Securities the Association submitted that not more than half the rate should be levied on interest on Government Securities. Allowances should also be made for the payment of selami and the cost of purchasing the good-will of a firm and also for any loss sustained by accident. It was arbitrary, the Association pointed out, to charge the maximum rate on the gain of



every Company irrespective of the actual income of such Company. Moreover, it was unfair to saddle the petitioner with the costs of reference in cases in which the amount of the assessment was reduced as a result of the reference. Further, the Association recommended a revision of the penal provision in view of the ignorance of the moffussil people and the high rate of illiteracy in the country.

Another landmark in the history of income-tax legislation in India was the INCOME TAX AMENDING BILL of 1938. On this Bill the Association submitted a lengthy opinion in which it was maintained that any payment from the British Indian Exchequer received by any person in any part of the world should be taxed. The income of local authorities should be exempted from taxation. Interest on public loans should be taxed, while interest on private loans either on mortgage or otherwise should be exempted. The Association opposed the introduction of the slab system and upheld the then existing step system with certain modifications. The Association also opposed the principle of the joint assessment of the income of husband and wife, particularly when there was no exemption allowance for family responsibilities. The provision of compulsory returns was considered highly objectionable by the Association and the penal clauses to be too harsh. The Association took exception to the clause empowering income-tax inspectors to enter premises to make enquiries. The provisions in the Bill altering the law regarding insurance premium were also criticised and the Association considered the system then existing to be more equitable.

### **Excess Profits Duty**

The EXCESS PROFITS DUTY BILL was introduced and adopted in 1919. The reason for this new impost, as given by the Government, lay in the increased cost of the military establishment. The cost of the military forces raised or to be

raised in India for 1918-19, was estimated at £12.7 million, for 1919-20, it was £14.7 million and for 1920-21, it was £7.7 million. The Imperial Legislative Council passed a resolution offering financial assistance to His Majesty's Government in this respect. As the Government of India expected to have a considerable surplus in 1919-20, the Association failed to see the necessity for imposing a duty on extra profits of certain businesses. It recommended instead the enhancement of the rate of the income tax on sliding scale in the case of those industries on which it was proposed to impose the excess profits duty. It also recommended that an exception be made in the case of those industries which had been struggling against odds before the war. The Government of India accepted this recommendation.

In the course of his presidential address at the Annual General Meeting of the Association in 1919, Sir Bijay Chand Mahtab warned against light-hearted imposition of new taxes and wanted the Government to explore the possibility of tapping other less harmful sources like profits of Turf Clubs, rather than bringing in the net profits of business or general income under its purview.

The Association again took up the matters on behalf of the Indian industries and Indian industrialists when Government introduced the Excess Profits Tax Bill early in the course of World War II. In a resolution forwarded to the Government of India the Association pointed out what financial strain the Indian industries had been bearing since the persistent spell of depression of 1929. The rearmament programme of His Majesty's Government which was a god-send to British industries had no counterpart in India, and for the purpose of the Duty, the British and Indian industries could not just be put on a footing of equality. The latter were just looking up after a long period of depression. It was further pointed out that the Excess Profits Tax of 1919,



was imposed for one year only and even that was given effect to after a period of full four years' war when the industries had made some profits, while the relevant Bill was seeking to tax profits even during the war. It was a great burden indeed in view of the fact that the Super Tax at an augmented rate already lay heavily upon them. In 1948, when eminent economists assembled at a Conference in New Delhi and suggested an increase in the rate of Business Profits Tax as an anti-inflationary measure, the Association proved the hollowness of this claim and stoutly opposed the proposal.

### **Salt Duty**

That a tax is not necessarily good or bad in any absolute sense, but that only circumstances make it either, was clearly shown in the restoration of the cut in salt duty in 1924-25. Though some political parties strongly opposed this higher levy, the Association systematically reminded all concerned that the restoration was the least harmful for the alternative of provincial contribution to bolster up central finance. The benefit of reduction in the Salt Duty from Rs. 1/4/- to Re. 1/- per maund would not have reached the consumers but would have been eaten up by the middle men.

### **Estate Duty**

On the subject of death duty, Mr. P. C. Mitter, Hony. Secretary of the Association, in a Note to the Indian Taxation Enquiry Committee of 1924, suggested that as an alternative to death duty, Letters of Administration should be taken out compulsorily both to bring a large sum of money to public exchequer and to save the landlords from much harassing litigation later. In August 1925, in a representation to the Taxation Enquiry Committee the Association pointed out that imposition of death duty in India, where the law of primogeniture did not obtain, would involve compulsory sale of portions of properties. This would retard capital formation. In the financial year 1945-

46, on a reference made by the Governor-General under Section 213 of the Government of India Act, 1935, the Federal Court opined that Estate Duty which was different from Succession Duty was beyond the competence of the Central Legislature to levy in respect of agricultural property. Accordingly a request having been made by the Governor-General, the British Parliament amended the Government of India Act with a view to empowering the Indian Legislature to levy Estate Duty. Primarily to enable the Provinces to raise adequate finance for the post war reconstruction scheme, an ESTATE DUTY BILL was introduced in 1952, in the Central Legislature. The Association at a Special General Meeting considered the provisions of the Bill, and opposed it on the ground that it "will accelerate the pulverisation of properties" and "will cause a definite setback to the accumulation of private savings, so essential for India's economic rehabilitation." Nor could the Association approve of the mounting up of expenditure on the basis of expanding taxation measures, without reference to the constructive needs of India. It set up a sub-committee to study all aspects of the question and invited all other sister organisations to oppose the proposed imposition of Estate Duty.

When the All-India Landholders' Federation met in Patna in June 1945, the Association sent to it a detailed note on Estate Duty in India for its consideration. The Association sought to mobilise public opinion in favour of its stand by tracing, in the Note, the legal position of Estate Duty in India by analysing the features of the Death Duty in England and by detailing the grounds of opposition to it. At the Annual General Meeting of the Association held on March 28, 1946, Sir Uday Chand Mahtab, President of the Association, welcomed the announcement in the budget speech of the Finance Member of the appointment of a Taxation Enquiry Committee to investigate the entire field



of taxation, central, provincial and local, and found it incongruous that the Finance Member should have already introduced a Bill to levy Estate Duty in India. In view of strong opposition put up by the Association and other organisations Government did not proceed with the Bill and allowed it to lapse.

### **Taxation Enquiry Committee**

The Indian Taxation Committee was set up in 1924. Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, ex-President of the Association was one of its members. To this Committee Raja Reshee Case Law, C.I.E., M.L.C., then President of the Association and Mr. P. C. Mitter, Honorary Secretary of the Association, submitted separate notes. The President in his note made it clear that land-revenue in India was neither a rent nor a tax in the full sense of the term, that the imposition of Agricultural Income Tax would be wrong, legally, morally, and politically ; and that imposition of Death Duty in India on the lines of English Law would be both impolitic and unjust.

The Hony. Secretary in his Note dwelt on the evils of Death Duty if imposed in India. On April 1, 1925, the Committee examined the Honorary Secretary, Mr. P. C. Mitter on the two memoranda. In his evidence he suggested that at the very outset there should be a thorough enquiry into the taxable capacity of the country. All possibilities of economising the governmental expenditure should also be examined before any proposal was made for the levy of a new tax. Owing to the transitional stage through which India had been passing at the time and further because of the evil consequences of the last great war, he strongly objected to any change in the then system of taxation. The irremovable executive at the Centre and the system of divided responsibility would go against any proposal for new taxation which,

to be acceptable, should better come from the accredited representatives of the people. Already the burden of taxation on the rural population was very great. If any further levy were to be imposed upon them, it would crush them altogether. It was completely wrong to contend, he pointed out, that the Bengal zemindars were very prosperous. The big ones were heavily indebted and the petty landowners had but a small pittance. Imposition of Agricultural Income Tax would not only interfere with the solemn pledges contained under the terms of the Permanent Settlement but would definitely interfere with the Government of India's collection of Income Tax and Customs Duty.

At the end of August 1925, the Association thought it prudent to make a second representation to the Committee to put the case strongly against the levy of an Agricultural Income Tax. Whether land revenue was regarded as a tax or a rent, the Association contended that a new tax would be unjust and unfair. Indeed, agriculturists of Bengal in 1920, had already been paying to the coffers of the Government much more than the combined total of payment made by non-agricultural classes.

Maharajadhiraja Bahadur Sir Bijay Chand Mahtab, a member of the Taxation Enquiry Committee gave vent to the feeling in his presidential address in March 1926, that with the awakening of democratic forces in India the zemindars had become a prey to taxation to a greater extent. "However much we may dislike the possibilities of further encroachment on our purses in the shape of local rates or cesses" he went on to say "we cannot be blind to those forces which are making inroads into us steadily every day, nor can we ignore our duties to our tenants and less fortunate countrymen in shouldering our responsibilities in the field of local taxation". He however proposed to oppose all ideas of fresh taxation, "until and unless we have control over the finances of the country and the machinery of administration."



### **Provincial Taxes—Agricultural Income Tax**

In the twenties of the twentieth century, Government finances were in doldrums, and once again it was being freely suggested that profits from land were one of the untapped sources on which Income-tax should be levied by the Government. The Indian Taxation Enquiry Committee gave their half-hearted assent to this suggestion. The proposal also found support in the recommendations of the Simon Commission.

The Association in a strong representation on the eve of the new set up of 1937, detailed the reasons why agricultural income should not be further burdened with income-tax. Only with regard to the permanently settled area, the land revenue was definite and invariable while in temporarily settled estates and khas mahal estates land revenue was variable. Under the Regulation of 1793, when the Permanent Settlement was effected, ten-elevenths of the rent went out as revenue, but through progress in agriculture, cultivation of waste lands and rise in price of agricultural commodities the pitch of land revenue assessment had come down to 21%, according to the calculation of the Taxation Enquiry Committee (1924-25). The said Committee was of the opinion that the land revenue should not exceed 25%.

Thus, whereas about Rs. 3 crores was realizable as Land Revenue in Bengal, the total number of revenue-paying landlords, including their co-sharers, was about three lakhs. Besides, the number of rent-paying estates was about 56 lakhs. Taking the gross rental of Bengal at Rs. 16 crores, the average gross annual income of each unit amounted to some Rs. 28½ only. The Association further pointed out that out of the gross rental of Rs. 16 crores collection charges accounted for some Rs. 3 crores at 20%, losses in litigation and debts unrecovered at another Rs. 3 crores, leaving a margin of roughly Rs. 10 crores. From this was to be deducted assess-

ment of coal mines, tea plantation and rental intercepted by under-raiyats and bargadars so that the average income of a landlord in Bengal was of an appreciably low figure. The Association submitted two tables compiled from settlement reports to show how the wealth of the country derivable from land instead of being concentrated in a few hands was distributed amongst a large number of people. The break-up of estates was also accelerated by inheritance laws. The proof of the general low financial position of landlords lay in the small number of voters—being only 740—in the landholders' constituencies of the Bengal Legislative Assembly.

The Association further pointed out that besides the land revenue the major portion of the stamp revenue was also paid by the landholders. As calculated by Mr. P. C. Mitter, out of the total number of civil suits, nearly 60% were rent suits and 90% of money suits were for Kisti Bandi. It was easy to see that the so-called inelasticity of the land revenue thus gave elasticity to the Stamp Duty, Income-Tax and Customs Duty. Furthermore, the July issue of the *Sankhya*, 1936, the Indian Journal of Statistics, calculated that the average debt of the landlords per capita was Rs. 600 in Bengal, their total debt being Rs. 40.68 crores.

The landlords also contributed substantially in cesses and rates. In 1871, the first Road Cess Act was inaugurated in which agricultural income was assessed. In 1877, the Bengal Public Works Cess was imposed. In 1880, both the Cess Acts were consolidated under one Act. Under the Cess Act of 1880, the amount of cesses realised was roughly Rs. 92 lakhs. And the cesses were levied in 1933-34, at the maximum rate of one anna in the rupee on the valuation of lands and immovable properties, except in the districts of Khulna, Pabna and Bogra where the rate was nine pies and in the District of Chittagong where it was  $10\frac{1}{2}$  pies in the rupee. Though half the cess was payable by tenants and the other



half by landlords, as the tenants most often left arrears the landlords had to pay out of their own pockets, for the time being at least. The Cess Act was amended in 1934, with the result that the rental value basis was substituted by the acreage rate basis. Agricultural price having been low, the acreage rate actually meant higher burden in terms of agricultural commodities.

### Union Rate

Besides, there was the village union rate which exceeded Rs. 42½ lakhs payable by landlords in common with others. Again, there was the Bengal Rural Primary Education Act of 1930, under which an Education Cess at the rate of 3½ pice on each rupee of annual net profits from mines and quarries and at the rate of 5 pice on each rupee of the annual value of land was to be paid.

Already there were all these burdens on the income from land, and there was hardly any justification for further imposition of income-tax on such incomes.

It was contended by Government that the vast body of tenure holders did not pay anything to the State and therefore the State had the right to tax their agricultural incomes in a direct way. Against this, the Association pointed out that the Government of India's despatch on Constitutional Reforms, 1930, which clearly envisaged that it would be unsafe to count on the increase which would be obtained on the higher rate of taxation on composite incomes.

Finally, the Association pointed out that in the face of definite commitments provided for in the Regulations Act of 1793, the imposition of Income Tax on agricultural incomes would be interpreted as a confiscatory move on the part of Government. A close study of the speech of Mr. Wilson in introducing the Income Tax Bill of 1860, and the despatch of the Duke of Argyll in sanctioning the imposition of Road

Cess in 1870, would reveal that they were very eager not to contravene the Permanent Settlement in any way.

### **Total Income**

The Association also opposed the recommendation of the Income Tax Enquiry Committee in computing total income with the addition of agricultural income for the purpose of taxation. The recommendation of the Income Tax Enquiry Committee that agricultural income should be taken into account in arriving at the total assessable income of an individual seemed punitive and was calculated to check the incentive of landholders in coming into the arena of trades and industries. The income assessable under the Income Tax Act left out all agricultural income but a person with agricultural income plus the amount of extra assessable income would be saddled with Income Tax at a higher rate. This higher rate would mean taxation of agricultural income though in an indirect way, and against this the Association entered its strong protest.

The Bengal Land Revenue Commission recommended State-purchase of zemindaries or, in the alternative, imposition of income-tax on agricultural income. This at once made the subject of agricultural income-tax in Bengal a matter of keen controversy. In his presidential address at the Annual General Meeting of the Association, in March 1941, Sir Bijay Chand Mahtab observed that the Land Revenue Commission's recommendation regarding State purchase of rent-receiving interests and imposition of Income Tax on agricultural incomes could not go hand in hand. Indeed there was no case for the levy of agricultural income-tax whether or not Government decided to acquire the zemindaries. If the tax was imposed as a condition precedent to the purchase, it would only lower the value of zemindaries, and it was hardly possible for the landlords to pay anything more by way of tax when they were living on marginal incomes.



### Anomaly

There was also the complicated question of different rates of revenue and rent prevalent in the different districts of Bengal. The incidence being so varied, the imposition of an agricultural income-tax, which would yet be just to all categories of landlords, was difficult, if not impossible, to effectuate. Already the landlords had been paying various taxes under the Indian Income Tax Act, e.g., profits on fishery, quarry profits, profits from markets, moorings or forests, incomes from private canals, royalties and profits from coal, mica, etc., ground rent for land used for potteries, brick fields, etc. Besides, in the Debottar Estates, in the case of qualified dedication the secular interests were assessable to Income-Tax, and from this even a hospital, school or college founded by a zemindar and kept under proprietary control was not exempt. And if account was taken, the President continued, of the payment of revenue, rent and cesses of various kinds together with the charges of collection of the cesses payable by tenants, it would be found that the Permanent Settlement landlords certainly did not pay anything less than other taxpayers having non-agricultural incomes. Indeed, his complaint was that while various responsibilities for the collection of cesses and revenues on behalf of the Government had been thrust upon the zemindars, they had been clothed with little effective powers for their realization.

It was the President's clear opinion however, that in view of the fact that the sister province of Bihar was seriously experimenting with tax on agricultural incomes, landlords in Bengal too should be prepared to consider a fair scheme on the clear understanding that (1) the idea of purchase of zemindaries would be given up by the Government for good, and that (2) the rate of imposition as also the limit of exemption should be decided upon after careful consideration of the widely different rates of land revenue prevalent in the different parts of the Province.

As soon as the Association came to know of the fact that the Government of Bengal would introduce the Agricultural Income Tax Bill in the August session of the Assembly in 1941, it sent requests to district Landholders' organisations to hold protest meetings and discuss the matter with the districts' representatives in the Legislature. It also arranged a meeting of the Standing Committee of the All-Bengal Landholders Conference on July 24, where resolutions were adopted criticising this decision of the Government. The Association also published pamphlets in English and Bengali on the provisions of the Bill, for educating public opinion. However, in the meanwhile the Ministry in Bengal resigned, and the new Ministry was not committed to the old Bill.

### **Resurrection**

But the interregnum was a short one. The Bill was revived in 1943. The Association resolved to lay facts and figures before the public on this issue. It published a pamphlet on this subject for wide circulation amongst legislators, officials and newspapermen. In it, the introduction of the Bill while famine was still stalking the land, was deplored. It was pointed out that the agricultural income of the rent-receiving classes was static and inelastic whereas the cost of living and the cost of cultivation had greatly increased. It was astounding to suggest that Agricultural Income Tax was an anti-inflationary measure since enhancement of rent had been banned altogether and Bengal is pre-eminently a land of small cultivators. It was further pointed out that to avoid payment of tax at high rates there was bound to take place fragmentation of properties and it was not unlikely that the fund of private charities and private money-lending would dry up. The cost of collection of the tax would be relatively high while the yield would be low, in view of the vast number of assesseees to be involved in the measure. It was curious that the tax was suggested to meet the cost of the inordinately



high war-time expenditure and not to provide funds for reconstruction of agriculture.

On September 11, 1943, at an informal Conference with the Ministers held in its hall, the Association placed its points of view on the Bill. The Conference was attended among others by the Hon'ble Sir Khwaja Nazimuddin, K.C.I.E., Chief Minister, Hon'ble Mr. T. C. Goswami, Finance Minister, the Hon'ble Mr. Khwaja Shahabuddin and the Hon'ble Mr. Tarak Nath Mukherjee, M.B.E., Revenue Minister.

### **Tax and the Central Government**

Sir Nazimuddin in his address to the Conference stated that the taxation measure was not being sponsored by the Government of Bengal on to their own initiative but they had practically been directed to do so by the Central Government. A large amount was necessary to be borrowed from the Government of India to meet the emergency situation in the Province and for the purpose of carrying on extensive relief work to meet the acute economic distress. The Government of India would not help Bengal unless the Government of Bengal could satisfy them that all available sources in the Province had already been tapped. The Government of India had specially suggested the imposition of tax on agricultural income. The imposition of this tax had also been recommended by the Bengal Land Revenue Commission, added Sir Nazimuddin. Though distress was prevalent in the country, at that hour, still, according to the Government, that was the most opportune moment for imposition of the tax, as after the war a great depression would follow when it would be more difficult for landlords and agriculturists to accept it. There was a demand throughout the country for the abolition of the Permanent Settlement, which had made the revenue of the Province inelastic. Still his Government instead of meeting that demand had been trying to maintain the Perma-

ment Settlement and at the same time to help the Province with an additional income by imposition of the tax.

As there had been more money available to the landholders due to the rise in the price of agricultural produce he asked the landlords not to oppose this measure. Unless it was adopted, Bengal could not possibly expect any financial help from the Centre. As during the year the landholders would have a very good crop and consequently a record collection, they should not feel any difficulty in paying the tax.

### **The Middle Class**

In the absence of the Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga, President of the Association, Mr. P. N. Singh Roy, Honorary Secretary placed the views of the landlords on the imposition of Agricultural Income Tax. He first of all explained that the term landlord or landholder included even middle classes interested in agriculture. He refuted the point that extra money was available to landholders and cultivators owing to the high price of agricultural produce. The landholders were but rent-receivers whose income was not only fixed but in the economic crisis it had been gradually declining. The cultivators could not anticipate that meteoric rise in the price of the produce, and hold on. The middle men secured it, hoarded it, and stocked it for profiteering. The landholders, had very little khas lands, and hence they were not producers and consequently could not make any profit owing to the abnormal rise in the price of agricultural commodities. Their cost of living, management and collection charges, however, had greatly increased. It was pointed out that if the tax was imposed it was bound to react adversely on charitable institutions maintained by the landlords. Private charity, which was in most cases voluntary, would be either reduced or stopped altogether. It was only natural that if sources of these charities were choked the flow of charities was bound to be slow and slender.



Mr. Singh Roy remarked that Sir Nazimuddin's observation regarding the expected good harvest might be correct in respect of certain areas but certainly it could not apply to the whole of the province, as cyclone and flood had already affected parts of Midnapore and Burdwan. He regretted that the encouragement received by the tenantry from the successive ministries had helped in the growth of a no-rent mentality in the tenants. This undue pampering had prompted them to demand more and more advantages, privileges and concessions without ever being conscious to their own responsibility to pay the just and legal dues of the landlords. Again, bumper crop or better realisation in any particular area for any year should not be put forward as an argument to induce the landlords to accept a permanent taxation measure.

### **Other Aspects**

In reply to the comment that this tax had been recommended by the Bengal Land Revenue Commission, the Chief Minister's attention was drawn to the fact that the Commission never recommended a permanent imposition of a tax on agricultural income if State purchase of zemindaries was decided upon. Perhaps the Commission realised that the imposition of the tax would bring down the price of zemindary properties and ultimately affect the quantum of compensation to be paid to the landlords on the acquisition of their properties by the State. Though the Commission was not an impartial body, and on whose judgment the landlords had very little faith, it did recommend powers to the landlords for speedy realisation of their just dues from the tenants. It was a pity that the Government were eager to accept such alternative recommendation of the Commission, as the imposition of a tax on agricultural income which suited their purpose, but had been quite oblivious of the suggestions which might be of any help to the landholders.

The Association reminded Sir Nazimuddin and his party that the sanctity of the Permanent Settlement partly had long

been violated, and that the Settlement had been made anything but permanent. Hardly a single session of the legislature passed when the destructive axe had not been put on the Permanent Settlement in some manner or other. Permanent Settlement was a misnomer, it existed on paper only. They were not anxious to maintain its shadow without substance. Ever since the Muslim League came into power, they always tried to injure the landholders. The party was primarily responsible for the anti-landlord legislation since the introduction of the Montford Reforms. Abolitions of the Permanent Settlement was the foremost of their election slogans; they had carried on a planned campaign against the landlords in season and out of season within and outside the legislature. Landlords had been very badly hit particularly by the legislative inroads. Since 1935, Bengal landlords had been the target of repeated attacks. Bengal Tenancy (Amendment) Act, Bengal Agricultural Debtors Act, Bengal Primary Education Cess Act, Money Lenders Act, were the different weapons forged to cripple them. By one stroke of the pen the Government of Bengal deprived the landholders of their right to "Chouth Selami", which annually amounted to about Rs. 30 lakhs. The certificate power so long enjoyed by a section of the landlords had been done away with; the landlord's right to enhance the rent had been suspended for ten years. The Association was of opinion that in the prevailing atmosphere of the country a right once lost for ever. It was this party, again, which was responsible for the withdrawal of a chapter, for speedy realisation of rent, from the Bengal Tenancy (Amendment) Bill 1938, on the floor of the House, though an extra responsibility for realising the Education Cess was thrust on the landholders. Under the Act landlords had got to advance even the tenant's share of the cess, which in many a case, they could not at any time realise from the persons who were primarily responsible for the payment.



Though landlords had made much higher contributions to the revenues of the province and to the finances of the local bodies by way of revenue, road and public works cesses, education cess, irrigation rates, other local taxes or rates and the other people had not to pay anything but Income Tax and local rates, still it was thought fit to single out this community to be taxed for their agricultural income.

The Association regretted that in spite of the unprecedented economic distress prevailing in the country this was considered as the most opportune moment for the imposition of the tax because depression would follow the war. This was strange that when thousands of people were dying daily, Government instead of providing food and relief to them should come forward with a taxation measure. The Association strongly deprecated Government's hasty move to impose the tax.

As to the Government of India's insistence on the Bengal Government to tap all available sources in the province as a condition precedent to get financial assistance from them it was pointed out that it was not Bengal's seeking to be placed in the war-zone. It had been done in accordance with an Empire-plan, and hence the Government of India must find money for giving effect to various Civil Defence measures, which had to be initiated because of the situation brought about by the War. The Government of India should not take advantage of the financial weakness of Bengal. Bengal's deficit was about Rs. 18 crores, and the expected revenue from the proposed tax was about 35 lakhs of rupees, it would be but a drop in the ocean. Mr. Singh Roy, therefore, made an earnest appeal to Sir Nazimuddin and his Government to drop the Bill in the present economic conditions of the country, if not to abandon the idea for all times to come.

### **March of the Caravan**

Sir Nazimuddin could not agree to drop the Bill. Mr. T. C. Goswami explained its financial implications.

While agreeing with most of the points put forward by Mr. P. N. Singh Roy he stated that in order to obtain financial help from the Centre the Government of Bengal had to impose the tax on agricultural income under the direction of the Government of India.

The Association held an informal Conference with the representatives of the Nationalist Press on September 10, in the Committee Room of the Association. The force of logic in the Association's view-point was admitted by the Press representatives. The Association also presented a memorial to His Excellency the Governor-General of India as the Ministry of Bengal had contended that the Bill had been brought forward at the instance of the Central Government. The Association laid, in this connection, particular stress upon the fact that the proceeds of the tax would not materially reduce the financial gap in Bengal. In a resolution adopted on September 3, 1943, the Association dwelt forcefully on the harm that the Bill would do to the landholders in a general way, particularly in a year of lean realisation and heavy arrears. It was likely to hamper private enterprise and initiative for the welfare of the poor and for the prosecution of war efforts. In short, the Association thought that the Bill was calculated to tax the landlords out of existence and thereby bring about a complete collapse in the rural economy of Bengal.

On September 12, a Public Meeting was held under the auspices of the Association at the University Institute under the presidency of Mr. Nalini Ranjan Sarker. At this meeting a strong resolution condemning the Bill was moved by Mr. N. C. Chatterjee which was supported, among others, by Maharaja Sris Chandra Nandy, M.L.A. of Cossimbazar, Mr. Hari Das Majumdar, M.L.C. and Mr. Santosh Kumar Bose, M.L.A., Dr. Syma Prosad Mookerjee, M.L.A., who was unavoidably absent sent a message of sympathy with the object of the sponsors of the meeting.



### Unavailing Protests

An All-Bengal Landholders' Conference was held on September 13, in the hall of the Association under the presidency of the Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga. The Committee of the Association constituted themselves into the Reception Committee. This Conference emphatically protested against the proposed levy in a resolution. Special stress was laid on the fact that the landlords had already been paying more than their legitimate share in revenue, rent and cesses and that they were functioning under considerable handicaps. Moreover, the anomaly that while the Government's need for additional revenue was for emergency purposes a permanent tax was going to be imposed was to be noted with particular care. The Conference called upon the "three caste Hindu Ministers to resign from the Cabinet of Bengal if the Government persist in proceeding on with the Bengal Agricultural Income Tax Bill." This resolution was strongly supported, among others, by the representatives of the Hooghly Landholders' Association, Khulna Landholders' Association, Mymensingh Landholders' Association and Dacca Landholders' Association. The Association requested the Hon'ble Finance Minister and the Hon'ble Revenue Minister to ensure due representation of the landholding interest in the Select Committee on the Bengal Agricultural Income Tax Bill. It prepared notes in criticism of the Bill and supplied the same to selected members of the legislature. The leaders of the different parties were approached and their reactions on the Bill were sounded with a view to obtain their support. Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A. of Burdwan and Rai Harendra Nath Chowdhury, M.L.A., both members of the Association, were appointed members of the Select Committee. Through the strenuous efforts and constant vigilance of Rai Harendra Nath Chowdhury many of the points urged by the Association the Select Committee were prevailed upon to adopt.

Dr. Syama Prosad Mookerjee, M.L.A., and his Nationalist Party, and the Forward Bloc agreed to oppose the Bill. The European Party, however, had decided to support it. The aforesaid first two parties kept their promise at the stage of introduction of the Bill in the Legislature, but later on their support having been withdrawn the Bill was passed and placed on the Statute Book.

When the Bill, as passed by the Legislature, was awaiting the assent of the Governor, the Association adopted a resolution at its Special General Meeting of November 30, 1944, requesting the Governor to withhold his assent. It was pointed out to him in a memorial that the Bill would affect the interest of the entire middle class of Bengal, was discriminatory, was not designed to improve agriculture, and would violate again the solemn assurance given to the landholders at the time of Permanent Settlement. However, the Bill received the Governor's assent and was applied with retrospective effect from April 1, 1944. When the draft rules under the Act were published on December 30, 1944, the Association advanced suggestion for smooth working of the Act.

Though Agricultural Income Tax thus came to stay as a permanent measure in Bengal as also in other neighbouring provinces, the Association had ever been alert to see that the assesseees did not suffer unduly. There were doubts as to whether collection charges of cesses were deductions claimable under the Agricultural Income Tax Law of Bengal. As a result of a talk with Mr. Pochkanwalla, Director of the Port Canning Company, the Association tentatively agreed to the institution of a test suit, if the members of the Midnapore Zemindary Co. agreed to come forward in this joint action. Ultimately this did not materialise.

#### **Clarification**

In 1949, the Association made a representation to the West Bengal Government requesting them to clarify the



meaning of the term “agricultural income” so that a prospective assessee might know fully well from before whether he was assessable under the Agricultural Income Tax Act or under the Central Income Tax Act. In the alternative the State Government and the Central Government should share among themselves the cost of legal suits for deciding disputed cases. The Government of West Bengal regretted its inability to change the definition of agricultural income which was protected by the Government of India Act, and was unwilling to offer any help to private parties by the Central and State Governments sharing their legal expenses. However, a judicial decision in the Calcutta High Court which upheld the standpoint of Sri Tarak Nath Mukherjee, C.I.E., M.B.E., a distinguished member of the Association, made the meaning of the term agricultural income more precise for purposes of assessment in so far as it granted deductions in respect of Union Board rate and cost of collection of cess and selami.

In February 1949, it was proposed to amend the Bengal Agricultural Income Tax Act, by reducing the exemption limit of income from Rs. 3,500 to Rs. 3,000 per annum and of land from 100 to 80 standard bighas and for enhancement of rates on income of Rs. 5,000 and above. Presumably these amendments had been suggested as anti-inflationary measures. The Association in a resolution challenged how since the Act would affect most adversely middle class population the changes suggested could be called anti-inflationary in character. The reduction of the exemption limit would throw further burden upon the hapless middle class population of West Bengal. The Association found that this would accentuate the disintegration of the rural economy. It suggested that the Provincial Government should further seek to meet the gap in its finances by internal economy if pressure on the Centre to restore the cut in grant proved a failure.

As regards higher rates the Association reminded the authorities that this would depress the value of agricultural properties when abolition of rent-receiving rights was in the offing.

In East Bengal by means of an amendment the rates of Agricultural Income Tax were doubled and the total agricultural income, whether earned in Pakistan or elsewhere, of a landholder was constituted to be the new basis of assessment. In a letter addressed to the East Bengal Minister for Land and Land Revenue, the Association pointed out that the higher imposition had already adversely affected the land value. It criticised the new mode of assessment because foreign agricultural income was no concern of the East Bengal Government. It was apprehended that the new basis would seriously cripple savings and investment in nascent Pakistan.

In 1950, when there was a proposal to introduce Agricultural Income Tax in Orissa, a Conference of important landholders of Orissa was held in September. The Association was represented in the Conference by Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, who analysed the various harmful results that would follow the imposition of the tax.

### **Other Provincial Taxes**

Besides agricultural income-tax, other provincial taxes also engaged the attention of the Association. When the BENGAL SWEEPSTAKES BILL was introduced in the Bengal Legislature by Mr. P. Banerji soon after the inauguration of autonomy, the Association observed that the running of sweepstakes either by the State or by one or two recognised organisations under the supervision of the State would mean no evil if the funds raised were disbursed strictly for humanitarian and welfare purposes under the direction of the Government. In the financial year 1939-40, the Hon'ble



Mr. N. R. Sarker introduced the BENGAL AMUSEMENT TAX AMENDMENT BILL whereby dog-racing was taxed. The Association was not in favour of taxing pure amusements. Hence it supported Mr. Sarker's amendment and indeed urged for an increase in the incidence of betting taxes. Section 3(1) of the Bengal Finance Act provided that a person assessable to income-tax under the Indian Income Tax Act was liable to pay a tax to the Provincial Government at the rate of Rs. 30 per year. In view of the fact that the property and interest on securities were exempt from the scope of the said Finance Act, the Association urged in 1940-41, that landlords paying Income Tax in respect of earnings from house property or interest on securities should not be held liable to assessment under the Finance Act. Representation having been made to the Hon'ble Sir B. P. Singh Roy, Revenue Minister, Government of Bengal agreed with the Association's viewpoints, and the relief prayed was granted.

### **Sales Tax**

The Government of Bengal introduced the SALES TAX BILL in 1941. Sales Tax, however, came to be a matter of keen controversy, and raised a chorus of protest in the country. It was found to affect both the traders and the consumers and was brought forward at an inopportune time. The Association in a resolution criticised the Bill and offered its constructive criticism on it particularly relating to the extension of the exemption schedule and the lowering of the rate of tax. It requested the District Landholders' Association to impress on the district representatives in the legislature to amend the Bill on the lines of the suggestion offered by the Association. The Bill sought to tax the dealer at the rate of 2% of his taxable turnover without reference to his net profits. The incidence of taxation was, therefore, unequal and discriminatory against dealers carrying on business in different goods. It was bound to occasion a rise

in the price of goods affecting thereby their consumption to the detriment of industries. It carried the threat of disintegration of the trade and commerce which would tend to move away from the Province. Its gravest defect was that it was not introduced to finance any definite welfare scheme of the Government. Accordingly, the Association suggested specifically to release small traders from its scope, to lower the rate of tax, exempt vital necessities of life, such as, paddy, wheat, gur, ghee, etc. and struggling industries such as, silk, cotton, glass, aluminium and pottery, and to allow appeal against the Commissioner's order in the Civil Court. Incorporating some of the suggestions of the Association the Bill was passed and the tax was imposed in a mild form. But the rate of the tax was raised by stages. In 1945-46, the Government of Bengal decided to raise the rate of the sales tax to one anna in the rupee. There was widespread resentment against this increase and traders closed their shops in protest. Identifying itself with this public cause, the Association in a resolution protested against the proposed measure which would cause a shrinkage in Bengal's trade in a declining market and inflict a serious blow upon the consumers when their purchasing power was showing a downward tendency. It condemned the injudicious act of Section 93 and advised Government that by withdrawing the recent increase, Government could create the proper atmosphere under which traders would find it worth their while to open their shops again. The Government acted accordingly, and the old rate of the Sales Tax, viz. 3 pies in the rupee was allowed to continue.

### **Budget Difficulties**

On the one hand, the Association maintained its vigilance on imposition of unjust taxes and on the other it extended its full support to Government in levying taxes which were just and fair. It extended qualified support to



Government even in the case of unfair taxes in times of extreme emergency.

Early in the twenties, on the initiative of the Association a Conference of leading public bodies in Calcutta, both European and Indian, was held under the auspices of the Bengal Chamber of Commerce in the rooms of the Chamber to discuss the question as to whether the Government of India should be approached with a request to make over to Bengal the proceeds of the export duty on jute in order to make up the deficit in the Provincial Budget. The Government of India granted a temporary and partial relief for three years only.

In view of the financial difficulties of the Bengal Government the Association did not object to the BENGAL COURT FEES BILL, the BENGAL STAMP AMENDMENT BILL and the BENGAL ENTERTAINMENT TAX BILL. In fact, it welcomed the imposition of a tax on backers on race horses as a move in the right direction.

### **Retrenchment**

When the finances of the Government of Bengal were thus in a mess, in 1923, the Bengal Retrenchment Committee was appointed. The Secretary to the Bengal Retrenchment Committee invited the Association to offer suggestions for possible reductions in the expenditure of the local Government. The Association detailed the instances where savings could be affected without loss of efficiency. It recommended *inter alia* a reduction in the number of Members of the Executive Council and of Ministers to two each ; abolition of the Posts and Divisional Commissioners and strengthening of the Board of Revenue by a second Member ; abolition of Judicial Department, amalgamation of the Co-operative Credit Department with the Agricultural Department, abolition of the posts of Registrars ; separation of the Judicial from the Executive Service ; considerable reduction in the

inspecting staff of the Education Department. Further, it urged that the cost of the Railway Police should be a charge upon the Government of India and was not to be borne by the Local Government. Finally, the Association recommended that the Indianisation of all the services except the Covenanted Civil Service should be effected to the extent it was practicable and compatible with safety.

The needs for retrenchment arose again in early thirties when prices fell sharply and the great depression set in. In February 1932, the Budget presented in the Bengal Council showed a deficit of Rs. 2 crores which was just a reflection of the magnitude of widespread depression. The Government of Bengal appointed a Committee to explore the avenues of retrenchment of non-essential public expenditure, without involving any loss of efficiency. In a representation to the Committee the Association countered the facile assumption that retrenchment always paid good dividends. In fact, by bringing about diminished purchasing power this policy only brought about diminished consumption and ultimately diminished production, so that the revenues of the State were likely to be adversely affected ultimately. While not advocating limitless expenditure by the State, the Association maintained that beneficial public expenditure was the best form of national investment and unproductive expenditure should not exceed the bare level of necessity. In fact, guided by this canon of public finance every progressive Government was multiplying expenditure on social services. In Bengal owing to an inequitable financial adjustment between the transferred and reserved subjects only a fraction of the provincial exchequer was available for nourishing the nation-building departments. Actually in Bengal in 1929-30, under the transferred subjects a sum of Rs. 4.04 crores was spent whereas as much as Rs. 7.89 crores was spent for reserved subjects. It was interesting to observe that in Great Britain between 1906 and 1931, the sums spent on social services



increased by some 1300%. The Association warned that nothing could be more harmful than a curtailment in the expenditure in the transferred departments in the name of economy.

### **Top-heavy Administration**

The Administration, however, was top-heavy and the services were highly paid so that pretty little actual benefit trickled down to the common man. The Association pointed out that in pursuance of the recommendation of the Lee Commission, a Member of the I.C.S. in India began his official life at Rs. 600 a month which in the course of 20 years rose to Rs. 2,600 a month. Furthermore, India had to bear, in view of the inequitable recommendation of the Islington Commission, the entire burden of the large pension of £1,000 a year for an Indian Civil Servant. Besides, there were some prize posts like that of the Divisional Commissioner, Chief Secretary to the Provincial Government and the Member of the Board of Revenue carrying salaries in excess of Rs. 3,000 per month. The Association pointed out that the Civil Servant of the highest administrative class started in England on £200 a year which did not rise ordinarily above £900 a year. This was similar to the scale of pay of a Provincial Civil Servant in India. In Japan, no Civil servant had a salary of more than Rs. 650 a month. In France his pay did not exceed Rs. 125 a month, and these were the countries where the standard of living was higher and the *per capita* income far greater than in India. Even in the subject countries of the Straits Settlement, Malay Peninsula and Ceylon, the Colonial Civil Service drew ordinarily not more than Rs. 1,500 a month. The Association accordingly recommended that the salaries, strength and cadre of the Imperial and Provincial services should be thoroughly revised and considerably reduced, more drastically in the former case, on the three-fold bases of needs, equity and, above all, economy. The justification for higher pay the foundation of which

was laid by Cornwallis in the eighteenth century no longer existed.

The Association recommended again reduction in the number of Members of the Executive Council and of Ministers to two each, their pay being not more than Rs. 2,500 a month. A Minister in Japan in comparison got only Rs. 2,000 a month. It recommended the abolition of the posts of Divisional Commissioners on the ground, among others, that Madras was doing well even without a Commissioner, that the Member of the Board of Revenue would take over the duties of the Divisional Commissioners, that none of the major Provinces of Bombay, Burma, Punjab, Central Provinces had this system and finally that the revenue problems in Bengal were well-settled. The Association suggested the amalgamation of the Co-operative Credit Department with the Agricultural Department for greater efficiency. It recommended the separation of the Judicial and Executive Departments placing the former under the High Court. The number of Munsiffs and Sub-Judges should be reduced and Honorary Munsiffs appointed with minimum jurisdiction. The Association held that there was considerable scope for retrenchment of higher officers in the Department of Police, Excise, Education and Public works. If recruitment to the Police service was made in the Province itself not only the establishment cost of the Department would go down but the problem of unemployment would be solved to a certain extent. The Association also recommended the stoppage of the hill exodus of the Government twice a year as it was an avoidable luxury.

Faced with the continuing deficit, resulting from reduced yield of taxes, and unprecedented expenditure in the Reserved Departments, the Government of Bengal introduced a large number of taxing bills in the February 1935 session of the Bengal Legislative Council. The Association opposed the imposition of these taxes. In a resolution it clearly indicated that



further taxation on the people, which would cripple their purchasing power, should not be given effect to without implementing in a substantial measure the recommendations of the Swan Retrenchment Committee. The proposed tax on the consumption of electric power struck at the root of domestic convenience and cleanliness, as also industrial development. The tobacco tax was likely to be keenly felt by 90% of Bengal's population, by every agriculturist and every labourer to whom tobacco was not a luxury, but an unavoidable, though conventional, necessity.

### **Problems of Federal Finance**

The Association knew full well that mere criticism of proposed taxes and of the heads of expenditure was not enough. It was of opinion that the root of unsound finance really lay elsewhere. The Association, therefore, addressed itself seriously to this task when it was decided that the Provinces would be rendered partially free from Central Control, and in pursuance of that political plan, there would be a reallocation of taxing sources. The Association argued the case for decentralisation of financial authority and stressed that the Provinces should be masters of their own houses also in the financial sphere which was indeed the key to their political maturity.

Of the two representatives of the Association before the Franchise and Electorate Committee which preceded the passage of the Government of India Act, 1919, Sir Benode Mitter on behalf of the Association dealt in his memorandum of evidence mainly with this subject of proper financial arrangement in the new set-up. He suggested that the Provincial Government should have exclusive legislative power over all strictly Provincial subjects without any interference from the Government of India. It should have absolute freedom of control in respect of all services for which it pays, in such matters as transfers, pay, promotion, leave, travelling

allowances, punishment, etc. The Government of India would reserve its discretion to advise and the authority to inspect. But in the matter of administrative policies, they should not ordinarily interfere, if the Governor-in-Council and the Provincial Legislative Council were in agreement. He agreed that all divided heads of revenue should disappear. He strongly advocated that Income Tax should form part of the Provincial Revenue but that the reduction in Imperial Revenue caused thereby should be made good by increasing the percentage of Provincial contribution. This would make for greater financial autonomy of the Provinces without impairing the finances of the Government of India. He further suggested that the settlement of Land Revenue and the rate of Income Tax should be steady and uniform in all the Provinces in order to avoid widespread discontent. He maintained that so long as Provincial contribution was regularly met the Provincial Government should be left free to control its own finances but that under no circumstances should the Government of India have any control over the Provincial Budget of Bengal. The Provincial Government should have power of borrowing on the security of its own revenues, with the approval of the Government of India.

### **Reserved and Transferred Subjects**

He deprecated the proposal for a sharp distinction between the reserved and transferred subjects at the outset. He felt that certain subjects, e.g., taxation for Provincial purposes, borrowing, conditions of service of all Provincial Services, franchise and land acquisition should be placed under the joint control of the members of the Executive Council and the Ministers. With regard to certain other subjects falling under the reserved group, there should be Standing Committees. He stressed that it was absolutely necessary that there should be immediate separation of the Executive and Judicial functions; that prisons, colonisation and disposal



of Crown Lands, and education should be transferred subjects.

The Montagu Chelmsford Report recommended the abolition of divided heads of revenue and gave the Government of Bengal the whole of the receipts under Land Revenue including those from irrigation and Judicial Stamp, but gave the Government of India the whole of the receipts under Income Tax and General Stamps. The Association in a representation pointed out that Bengal had a deficit in 1919-20, of over Rs. 47,29,000 and that it was further impossible for Bengal to make any contribution to the Central Exchequer consistent with provision for meeting the growing requirements of a progressive Province. It was pointed out that while on the one hand provincialisation of land revenue would benefit Bengal much less than some other Provinces, Bengal's contribution to the Central Exchequer in the shape of Income Tax, Excess Profit Tax and Super Tax was much higher than that of any other Province. Lord Meston was appointed Chairman of a Committee set up by the Government of India to fix and determine the financial relation between the Central and Local Governments under the reformed scheme, the Association in a representation suggested to him that having regard to the non-progressive character of the provincialised sources the ordinary Income Tax should be provincialised. Raja Kishori Lall Goswami on behalf of the Association gave fine evidence before this Committee.

When the Meston Award was announced, the Association deplored that Bengal had been laid low financially by this decision. It was suggested by Maharaja Bahadur Sir Prodyot Coomar Tagore that, as a measure of financial relief, the whole of the revenue from jute trade should be assigned to Bengal. On January 21, 1928, a Conference of the Members of the Council of State and the Indian Legislative Assembly representing Bengal was held in the hall of the

Association to discuss the Meston Award. The Conference decided that a resolution on the following lines be moved at the next session of the Central Assembly :

“Devolution Rule 15 should be replaced by a Rule whereby every Governor's Province including the Province of Burma should get a share of the proceeds of the Income Tax collected in the Province calculated at the rate of one pie and a half in each rupee of the amount of income brought under the assessment in the Province. Devolution Rule 14 should also similarly be altered. It was also decided that 2/3rds of the proceeds of the jute export realised from Bengal ports should go to the Government of Bengal.”

Bengal's financial distress continued. It was a source of great worry to the Association as to every well-wisher of the country. A meeting was held in the Town Hall to discuss this question, at which the Association was represented by Messrs. P. N. Tagore, A. D. Addy, Lokenath Mukherjee and S. N. Law. It culminated in a representation to the Secretary of State for India urging some relief for Bengal. On September 19, 1932, the Association prepared and published a lengthy and reasoned statement on Federal Finance, in view of the proposed reconstruction of the constitutional structure of India on the Federal basis. It was forwarded to the Government of Bengal. The Association suggested that any financial arrangement must be both scientific and flexible and also enumerated the other objectives as laid down earlier in the Report of the Royal Commission on Taxation in Australia. Of the different financial systems, it supported that which authorised the Federal Government to impose indirect taxation and the Provincial Government direct taxation, residuary powers in indirect taxation and in direct taxation being left with the Federal Government and the Provincial Governments, respectively. The Association forwarded as concrete suggestions that customs, excise and salt should be administered by the Central Government and that land tax, irrigation, forests, etc. should remain provincial heads of revenue.



The Federal Finance Committee under Lord Percy examined the financial position of the reformed provinces. The forecast showed the tragic position of Bengal involving a deficit of two crores of rupees. To enable the provinces to balance their budget the Percy Committee suggested distribution of the yield of Income Tax among them. It was easy to see that in the new dispensation the claims of Bengal and Assam had been very unjustly treated. This was all the more regrettable, as the Association pointed out, because Bengal had been suffering a great deal as a result of the wrongs of the Meston Award.

Since the Reforms of 1919, Bengal had been claiming a share in Income-tax and jute export duty on grounds of sheer justice. Bengal contributed the highest amount in Income Tax and Customs Duties but her claim with regard to export duties was shirked both by the Round Table Finance Sub-committee under the Chairmanship of Lord Peel and the Federal Finance Committee under the Chairmanship of Lord Percy.

### **Export Duty**

The Association maintained that to count export duty as a federal source of revenue would be a piece of discriminatory taxation. One of the reasons for the provincialisation of the jute export duty was that it was not paid in full by the foreign consumers. This point was unsuccessfully urged before the Meston Committee by the Bengal Government. The provincialisation of the receipts of the export duties would give relief not only to Bengal which would gain from export duties on jute but to Burma from rice, Bihar and Orissa from lac, Assam from tea and Madras from oil seeds. The Association maintained that in the interest of the growth of the federal spirit no particular province should be exploited for the benefit of others.

As regards taxation, the Association urged the need for close co-ordination which should avoid both the danger

of centralisation and the danger of undermining the self-reliance of the provinces. It suggested the setting up "of a National Finance Commission which will be an autonomous organisation, independent of the Central Government and devoted to the task of collecting, collating and publishing data relating to fiscal activities. It will watch the working of the financial system and act as a tribunal in all disputed cases."

### **Loan Policy**

Co-ordination was vitally necessary in the realm of loan policy of the Government because the provinces depended upon the same markets as the Government of India did and accordingly they had after all been compelled to pay higher rates of interest. It was better that the Provinces should do all their borrowing through the Government of India—a suggestion which was broadly recommended by the Finance Department of the Government of India in their Memorandum before the Round Table Conference.

### **Financing**

Furthermore, the Association urged for a national policy for financing schemes of development and wanted the setting up of an institution on the line of the Board of National Investment of Great Britain for administering it. This Board should aim at the utilisation of the national economic resources. The Association maintained that a beginning at least may be made in this direction by constituting a National Loans Council in India on the lines of the Loans Council of Australia to act as Central borrowing authority charged with the distribution of loan-funds on a priority basis against various demands for capital. This Council consisting of representatives of the Provinces and Federal Centre, should be in charge of management of public debt and also of capital resources.



The Association further maintained that co-ordination was also necessary in respect of resources operation, ways and means operations and audit and accounts. The 1,500 treasuries and sub-treasuries of the Government of India and more than 90 branches of the Imperial Bank could be utilised by the Provinces for co-ordinated action in the field of finance and greater efficiency secured therefrom. While the Reserve Bank of India had not yet been set up, this was really the case for full-fledged Central Banking Operation being started in the country. As regards ways and means operation, the Muddiman Committee recommended allocation of revenue between the Local Government and the Central Government and separate accounts for each, as the condition precedent to the setting up of provincial autonomy. The Indian Statutory Commission recommended the continuance of the existing system pending the establishment of a Central Bank. With this recommendation the Government of India agreed in their despatch on constitutional reforms. The Association was generally in favour of a separate cash balance for each unit of the Federation and would not mind if such balance was kept under the custody of the central bank for greater efficiency, provided the Province enjoyed the free use of the balances. Asking that machinery for its inspection should be separated from that of maintenance of accounts, and independence of the inspection section should be secured to the full, the Association recommended that the Auditor-General should be made responsible to the Indian Legislature and the Accounts Department might continue under the Finance Department of the Government of India. In fact, such division of responsibility was already in operation in the U.P. since 1926, and in all railways since 1929. It was hoped that treasury control and audit scrutiny would not conflict with each other but would really be complementary to protect and promote the interest of the general public.

## Federation

The possible entry of Indian States as federating units created a number of complexities. The Indian States claimed compensation at every stage as a price of their entry into the Federation. They claimed the extinction of tributes, immunity from salt tax, retrocession of ceded territories, fiscal sovereignty on railway lines, sovereignty over their own ports and so on. This attitude was generally interpreted as wholly alien to the federal spirit. The Association thought that the States lost sight of the gain they would make by joining the Federation—viz., their share in the internal administration of British India. “It was a political triumph of the highest magnitude which”, the Association very pointedly observed, “cannot be equalled by any compensations, leave alone the other general benefits that would accrue to the Indian States from the Federation or follow in its train.”

The Round Table Conference recommended that the future federal loans should be federal and the existing public debt of India should be Central. According to the calculation made by the Government of India, this recommendation would mean that the productive debt of India amounting to Rs. 1,001 crores would be taken over by the Central Government whereas unproductive debt amounting to Rs. 172 crores would be charged upon Central Government. The Association strongly objected against this basis of classification which was found to cause injustice to British India. It made a concrete suggestion that the unproductive debt of India should be re-adjusted either between the Central Government and the Imperial Government or between the Central Government and Federal Government with or without the Imperial Government shouldering a considerable part of the liability. In view of the fact that such debts were generally incurred for frontier expeditions and for other Imperial wars which were of equal importance to British India and Indian



States and also benefited Great Britain in no small measure all of them should agree to share them.

The Federal Finance Sub-committee put the tribute from the Indian States and provincial contributions to the Centre on the same footing and suggested that both of them might be wiped out simultaneously. The Association did not agree with the equation of the two but was in consonance with the recommendation of the Davidson Enquiry Committee that the tributes should be extinguished with the setting up of the Federation. The tributes were both arbitrary and unequal in their incidence on individual states. Considering that payments from tributes came to only Rs. 74 lakhs, the Association agreed that the Central Government might forego this small sum, if the States pressed for it. Inter-state tribute, however, presented some difficulty. The Indian States Enquiry Committee deprecated the attitude of the creditor States which wanted to have the pound of flesh, as wholly alien to the federal idea. As a way out, the Association suggested that if this payment had any thing to do with the status of a receiving state the tender of a formal token amount might suffice.

### **Ceded Territories**

As regards the Ceded Territories, the Association could not accept the recommendation of the Davidson Enquiry Committee that retrocession of the Ceded Territory was the natural remedy. If retrocession was insisted upon, the Government of India also in its turn might claim compensation for many things and there would be no end to the series of claims and counter-claims that would then arise. The Association had no objection, as recommended by the Davidson Enquiry Committee, that the loss of revenue to the States from Income-tax, Customs tariff on goods sold in the territories, etc., in the event of their joining the federation, should be duly made good by the Government of India.

As regards sea customs, however, in the interest of uniformity in the scale, the commodity taxed and in the method of collection, the Association opined that the revenue realised therefrom should be allotted only to federal needs. This was in keeping with true federal spirit. It caustically remarked: "If room is made for the entry into the federation of the port-owning States, the true ideals of the federation shall have to be compromised."

The Association put the case of stricken Bengal very ably and even Sir George Schuster, Finance Member, Government of India, was moved to sympathy. The Governor of Bengal, Sir John Anderson, put his whole weight to the question. But Bengal was allowed only half the Export Duty on jute previously appropriated by the Central Government. This was partial justice because Bengal was entitled to get the whole of it.

The Indian Financial Enquiry Report submitted by Sir Otto Niemeyer on April 6, 1936, came up for criticism in the hands of the Association. It was good, the Association commented, that Sir Otto recognised that Bengal under the Meston Award had had no fair deal and that her administration was evidently on a low standard. The result was disastrous both economically and politically—the nation-building departments were practically starved and political discontent grew as there was no worth-while scheme for economic regeneration of the Province. In the circumstances, Sir Otto's recommendations which proposed at best to balance the budget of Bengal on the existing standard of administration could not certainly be regarded as satisfactory or encouraging.

According to Niemeyer's scheme, Bengal was provided with Rs. 75 lakhs under the following heads: Cancellation of debt—Rs. 33 lakhs; increase of the Jute Export Duty by  $12\frac{1}{2}\%$ —Rs. 42 lakhs. The Association pointed out that



Bombay gained approximately Rs. 90 lakhs from the separation of Sind and as the Central Finance got entangled in demands from Sind and Orissa with consequential relief to Bombay, Madras and Bihar, there was inevitable injustice to Bengal. The Association suggested the transference of the proceeds of the entire Jute Export Duty to the jute-growing provinces which, among many other things, would enable the Central Government to consider the question of Jute Export Duty on a fair basis.

As regards the distribution of the proceeds of the Income-tax to the provinces, Sir Otto recommended 20% both for Bengal and Bombay, though on the population basis Bengal was approximately  $2\frac{1}{2}$  times as populous as Bombay, even if on the collection basis Bengal could be equated with Bombay. The Percy Committee in fact calculated that 16% of the Income-tax should go to Bombay and 24% to Bengal. The Association made a prophetic utterance when it said that "if past wrongs, largely historical, are not well appreciated, future adjustments are likely to be faulty."

While West Bengal had been suffering from the after-effects of the famine, the Direct Action, the partition and mass migration of refugees, the Deshmukh Award on financial arrangement appeared to be the unkindest cut of all. The President of the Association Sir Uday Chand Mahtab analysed the situation thus:—"While in the re-allocation of Income-tax proceeds the other States have gained ostensibly at the cost of West Bengal and Bombay, in making the grant in lieu of the Jute Export Duty, it is the Centre that has sliced away a lion's share out of the quota of West Bengal."

## CHAPTER II

### RELIGION AND MORALS

It was a part of the self-imposed duty of the Association to take as much interest in the religious practices and conventions controlling the social customs of the people, as in matters political, economic, etc., concerning the well-being of the masses. It could not allow, therefore, any important religious right to suffer from injudicious legislative measures that might affect the social and religious fabric in a deleterious manner.

#### Marriage and Divorce

In 1902, the question of dissolution of converts' marriage came up before the public particularly on the score of reducing the time for reconciliation, while the Association accepted the point, it urged that the husband should be given the same facilities for interview with the converted wife as had been vouchsafed to the wife to bring round the converted husband. In 1903, the Government of Bengal dropped the Bill.

The South Indian Missionary Association submitted a memorial to His Excellency the Earl of Minto suggesting that the Indian Divorce Act should be made applicable to marriages of Christian converts even though solemnised before conversion by non-Christian rites provided that the cause of divorce arose after conversion. The Association, being invited to express its opinion on the memorial, submitted that the first or Hindu marriage of the parties being indissoluble, the Christian husband would be guilty of bigamy if he married again and upon his death, his children might be involved in endless litigation regarding the rights of succession to his estate. The legislature could only provide for the exemption of the husband from criminal liability in



the event of his second marriage. On these grounds, the Association thought, the remedy suggested by the Missionary Association, would be of little avail.

The Western idea of divorce was sought to be imported into Hindu society, in scant regard for the *shastric* tenets and injunction. Early in the thirties, Sir Hari Singh Gour introduced the HINDU MARRIAGE DISSOLUTION BILL in the Central Assembly, proposing to remove certain doubts regarding the dissolution of marriage of persons professing the Hindu religion. The Association expressed its strong disapproval on the ground that it would involve an interference with the Hindu Law of Marriage and destroy the peace and happiness of home. On similar grounds the Association totally rejected the Hindu Women's Right to Divorce Bill which was introduced a few years later in the Central Assembly.

Indirect attempt to introduce unwanted elasticity in the Hindu religious marriage system has been deprecated by the Association. Dr. H. S. Gour introduced a Bill in the Central Legislative Assembly to remove the necessary safeguard under Act III of 1872, viz., that those who contract marriages under that Act must declare that they do not profess Hinduism or any of the other recognised religions. The Association interpreted this amendment to mean that an individual who according to the tenets of the Hindu religion had ceased to be a Hindu would nevertheless remain a Hindu at least in theory. In its opinion such a piece of legislation would be an outrage upon Hindu society. When the SPECIAL MARRIAGE ACT was again sought to be amended in 1925, to accommodate the Brahmoe primarily, the Association advised the Government to take the Brahmo Samaj into their confidence.

In October 1927, Rai Saheb M. Harbilas Sarda introduced the HINDU CHILD MARRIAGE BILL in the Central Assem-

bly with the object of fixing the minimum age of marriage. The Association suggested that before passing a Bill of this nature, Government should await the moral and material development of the country, the only prerequisite for the success of the provisions of the Bill. The Association also did not like that Government should interfere in the religious rights and sentiments of the people. In 1936, Mr. B. Das moved an amendment Bill in the Central Assembly to facilitate the working of the HINDU CHILD MARRIAGE RESTRAINT ACT, which received the support of the Association.

### Age of Consent

Another object that engaged the attention of the country and the people was protection of the girl wife from too early exercise of marital rights. The Association went into this subject with earnestness. It did not deny that so long as the system of child marriage obtained, there remained the possibility of this danger. But Act X of 1891, had raised the age of consent from 10 to 12 years, in the teeth of public protest. When in 1924-25, Sir Hari Singh Gour introduced a Bill in the Central Assembly to raise the age to 14 years, it met with stiff opposition. The Association maintained that in the absence of birth certificates and the difficulty experienced by even expert medical men to ascertain the exact age of the girls, the proposed legislation was most likely not to be of any real import.

The Select Committee report on the AGE OF CONSENT BILL was ultra-radical. It recommended the keeping of registers of births, marriages and of certificates of marriage. The Association in a letter pointed out the incongruity in its recommendations that 14 years should be the minimum age of marriage while 15 years should be the age of consent within marital relations. It deprecated the idea of employment of women police to check violation of the law and of punishment in the case of "Marital Misbehaviour". The



Association was convinced, in short, that the State must not interfere in such delicate social matters.

### **Aryya Marriage**

Early in the thirties, the ARYYA MARRIAGE VALIDATION BILL was forwarded to the Association for its opinion. The Association held that in view of the growth of *suddhi* and *sangathan* movement it was only fair that inter-marriage among the members of the Arya Samaj should be validated. For this purpose, a Marriage Validation Bill might be brought forward with due safeguards against the Hindu laws of succession and of inheritance. The proposed Bill did not provide these safeguards. In 1936, Mr. Bhagwan Das introduced the HINDU MARRIAGE VALIDITY BILL in the Central Legislative Assembly. The Bill sought to validate inter-caste marriage of Hindus and gave a chance to the married couples to remain within the Hindu fold. The Association lent its support to the Bill. It felt that the rigid conception of the caste system on the original occupational basis had long ceased to exist. Secondly, the cases of Hindus marrying outside castes were rather few. However, the Association had no desire to encourage inter-caste marriages, but it was only concerned to see that the Hindu Law should not encroach on individual freedom.

### **Widow Remarriage**

The Association had accepted the necessity of widow remarriage in the Hindu society. But when, during the early forties, Mr. Manmohan Das sought to force its pace by means of a compulsive statute, it strongly opposed the move. In his BENGAL HINDU WIDOWS' REMARRIAGE PROPAGATION BILL, Mr. Das proposed to compel a widower to marry none but a widow. The Association considered it to be an astounding proposition. It held that such matters should not be forced by law but left to be guided by social opinion. The Association was prepared to support polygamy under certain specific

conditions. In view of the fact that polygamy as an institution was fast dying out, it did not think that a restrictive Act was called for.

To eradicate the evil of dowry, Rai Bahadur Surendra Narayan Sinha of Nehalia, a member of the Association, introduced a Bill in the Bengal Council in 1939. The Association did not think that legislation was the way to remove the evil. Nor would it be practicable to see distinction between "extortionate" demands and "willing" offers.

### **Temple Administration and Facilities to Pilgrims**

The subject of temples, priests and pilgrims has cropped up from time to time. The Association has sought to uphold the sanctity of temples against vandalism by unholy crowds whether of local people or of non-Hindu origin. It has supported the priests and sought to implement the wishes of testamentary donors to temples. It has tried to mitigate the harassment of numberless pilgrims.

### **Pilgrimage to Gaya**

To meet the grievances of the pilgrims to Gaya, the Association made a representation to the Agent, E.I.Rly., at the beginning of this century to set up stations at Poonpoo and Palmergunge. If the Railways would accede to the request, and also acquire land, Babu Shewprasad Jhunhunwalla, a member of the Association, was prepared to build at his own cost proper rest houses at these places for the pilgrims. The Railways provided a waiting shed at Poonpoo and arranged for another at Palmergunge. The Railway authorities, however, did not take any further action though Babu Shewkissen Jhunhunwalla pressed through the Association for acquiring a few bighas of land at his own cost for the purpose of a Dharamsala.

### **Puri Pilgrims**

To prevent over-crowding of lodging houses in Puri, the Government of Bengal introduced a Bill in February, 1908.



The Association objected to the increase in the rate of licence fee for these houses as it would lead to increase in the rate of rents to the detriment of poor pilgrims. The Association also could not approve of the penalty for temporary day-time overcrowding of houses, not licenced as a lodging house. Despite these objections, the Bill was passed into law in April of that year.

### **Sebait and Pilgrims**

In 1924, a conference was held under the auspices of the Association under the Chairmanship of Rai Lalit Mohan Singh Roy Bahadur with a view to resolving the conflict that arose between the *sebait*s of the temple and the general public concerning the ill-treatment of pilgrims at the Kalighat Temple. At a subsequent meeting held under the presidency of Maharaja Bahadur Sir Prodyot Coomar Tagore the *sebait*s undertook to remove some of the keenly felt grievances of the pilgrims.

In the Presidency of Bombay and in the Maharashtra there is a class of hereditary Brahmin priests called the *watandar* priests or Joshis who claim that they have a right to officiate at certain Hindu ceremonies such as marriage or funeral and are entitled to certain emoluments for such services even though they are not asked to officiate at Sradh ceremonies. In the Central Legislative Assembly Mr. A. B. Lathe moved in 1920, that the law relating to their emoluments be amended so that they may not claim as a matter of right any ceremonial emoluments from any Hindu who does not avail of their services. The Association considered the proposal to be a reasonable one and supported it.

### **Tarakeswar Temple**

With the object of removing the Mohunt of Tarakeswar from his *gaddi* and assuming the management of the affairs of the Temple of Tarakeswar in their own hands a political group in Bengal started a campaign of calumny against the

Mohunt. A band of volunteers under the name of Mahabirdal headed by Swami Viswananda and Swami Sachchidananda began interfering with the management of the Temple. The Mohunt in his letter of April 1924, placed himself in the hands of the Association and stated that it was farthest from his mind to do anything in connection with the Temple which might be distasteful to the Hindu community at large and to the pilgrims in particular. Certain individuals had already instituted a representative suit against the Mohunt under Sec. 92 of the Civil Procedure Code. The Association advised, in the interest of the amicable settlement of the dispute, that the Mohunt should apply to the District Judge of Hooghly for the appointment of a competent and impartial Hindu Brahmin as Receiver till the dispute was settled, and also invited Mr. C. R. Das and the two Swamijis and the Mohunt to a Conference for better management of the Temple. The Receiver was appointed as prayed for.

### **Shooting at Muttra**

It has been the privilege of the Association to try to preserve sanctity of religion and of holy places. Since the time of the early Moghul Emperors, out of respect for the religious susceptibilities of Hindus, shooting of game in the sacred land of Brijmandal (Brojodham) in the District of Muttra had been banned. Orders issued in August 1864, maintained this ban. It was republished with added emphasis in September 1900. The Association petitioned the Lieutenant Governor of U.P. in 1914, when instances came to light of the frequent violations of this order. In his presidential address that year at the Annual General Meeting of the Association Sir Bijay Chand Mahtab referred to consternation among devout Vaishnava on this question.

### **Badrinath Temple**

In 1936, at a Conference of the Hindu citizens of Calcutta held in the Hall of the Association under the presidency of



the Hon'ble Justice Sir Manmatha Nath Mookerji a scheme was adopted for the better administration of the Badrinath Kedarnath temples. Agreeing with the main provisions of the Bills introduced by Mr. Jagannath Misra and Mr. M. G. Patnaik in the Orissa Legislative Assembly soon after the inauguration of autonomy the Association maintained that a Committee should be appointed for the proper and efficient administration of the Puri Temple so as to inspire confidence in the minds of the Hindu public.

### **Temple Entry**

Consistent with its tradition, the Association opposed the claim for temple entry in violation of the express provision of the Deeds of Trust establishing the temples. On the question of temple entry by untouchables the country was in the grip of a strong agitation when the Governor-General's sanction was sought for introduction of two Bills in the Madras Legislative Council and one in the Indian Central Assembly. The Association in a resolution while appreciating all legitimate and well-meaning efforts for the uplift of the depressed classes, stressed that social and religious reforms should better come from within, for these were not fit subjects for legislative inroads. Such legislations, it held, would encroach on private rights of the trustees and create complexities in the working of religious endowments.

In this connection, the Association waited in a deputation at Belvedere on January 9, 1933, upon the Right Hon'ble Earl of Willingdon, Governor-General and Viceroy of India. Explaining the precedence of custom over personal law among the Hindus in India, the deputationists held that temple entry was one such usage. The deputationists urged him not to accord his sanction to the Bills, as it might well be against the established law.

The Association opposed the HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL introduced by Mr. C. S. Ranga

Iyer in the Central Assembly on the grounds that the donors' intentions would be violated, beneficiaries would be deprived of their rights and the jurisdiction of the trustees would be impinged. In appreciation of the Government of India's stand on the TEMPLE ENTRY BILL, the Association in a message congratulated the Hon'ble Sir N. N. Sircar, Law Member, Government of India. The Association, however, was not opposed to the improvement of the social status of harijans or the untouchables. It believed that such improvement could never come through legislation. Moreover, it was bad in principle that Hindu social life inextricably inter-woven with a given religious order should be sought to be removed by means of a compulsive law of the State.

### **Religious Holdings**

It was never the intention of the Association to belittle the importance of any religion whatsoever, but it could not relax its vigilance to see that the Hindu religion received its due share of recognition and respect at the hands of the Government.

In 1914, there was an attempt by the Government of Bengal to increase the number of Mahommedan holdings at the cost of Hindu holdings. The Association's strong opposition to this move forced the Government to yield substantially on this point. Later, in the thirties the Association again strongly urged for retention at least of the number of Hindu holdings, even though Government felt inclined to increase the number of Mahommedan holdings.

### **Correct Almanac**

In 1951, in the interest of scientific truth and cultural advancement as also to facilitate proper religious observance of auspicious days and moments, the Association took the initiative to move the Government for the preparation of an all-India almanac for the benefit of all. There was a great deal of confusion in the minds of the Hindu public, owing to the prevalence of two schools of almanac makers in India.



The Association assured the Government that action on this matter would not militate against the secular character of the State. It drew the attention of the Government of Bengal to the initiative taken in the matter some decades ago by the late Hon'ble Sir Asutosh Mookerjee, and late Maharaja Sir Manindra Chandra Nandy of Cossimbazar, both of whom were important members of the Association. The Maharaja spent a good deal of money in calling a Conference of erudite Pandits, astrologers and astronomers, from all parts of India, to arrive at an agreed solution. But the objective remained unfulfilled. The Association now categorically requested the Government to appoint a Committee of Experts and made similar requests to the Vice-Chancellor of the University of Calcutta and to the Hon'ble Moulana Abul Kalam Azad, Ministry of Education, Government of India. The Syndicate of the University of Calcutta set up a Committee to consider the matter. The Government of India replied that the matter was receiving their attention. The Council of Scientific Research took up this question in earnest later on. The Prime Minister of India, Pandit Jawaharlal Nehru, fully supported the idea of reformation of the Indian almanac.

### **Buddha Relics**

In the closing period of the first decade of this century, a few charred bones of Lord Buddha were discovered in an urn in Peshawar. The Association suggested in a memorial to the Government of India that the sacred relics might be preserved in a suitable temple in the land of his birth, enlightenment and death. The Government of India however first announced their desire to distribute the ashes amongst the Buddhist nations of Asia and finally decided to deposit the ashes at Mandalay.

### **Protection of Women and Children**

Modern socialistic doctrines envisaging a greatly extended function for the State affecting the private life and property

of the common people did never find much favour with the Association at any time. Yet exception had to be made on humanitarian grounds where the protection of women and young children was concerned. In 1932 in the Provincial Council Mr. J. N. Basu introduced the **BENGAL SUPPRESSION OF IMMORAL TRAFFIC BILL** which received strong support from the Association as it was designed to remove immorality from society. Next year Rai Bahadur Kunwar Raghubir Singh introduced the **GIRLS' PROTECTION BILL** in the Central Assembly. The Association, extended its general support to the Bill, and strongly objected to the sale of minor girls for commercial purposes, without any disability towards bonafide marriages. Again when early in the forties Mr. Jatindra Nath Chakravarty moved the **BENGAL PREVENTION OF BROTHELS IN THE FAIRS BILL**, the Association supported it. On various occasions, Bills have been introduced in the Legislatures, Central or Provincial, for controlling disorderly houses. The Association has welcomed these measures of social reform in a general way, with restricted power for the police for breaking up such a house.

As far back as the early twenties the Association in a representation to the Government of India urged for India's early adherence to the International convention for the suppression of traffic in women and children. It pointed out that the relevant sections of the Indian Penal Code did not provide for due and deterrent punishment for the procurer. It stressed that, as under the Hindu Law, 16 should be fixed as the limit of the age of discretion for penal purposes. In February 1923, when the **CALCUTTA SUPPRESSION OF IMMORAL TRAFFIC BILL** was introduced in the Bengal Legislative Council, the Association suggested that unless suitable industrial schools or rescue homes had been established for the reception of erring girls and arrangements made for their religious and moral training the object of passing the Bill would defeat its own end. However, it was passed on the 20th August, 1923. In 1941, in a Bill Khan Bahadur Mohammed Ali sought to



provide for anti-natal and post-natal care for mothers and babies. The Association extended its full support to the Bill, for, in our country, through ignorance, high cost and inadequate arrangements, such care is seldom available to the mothers and babies.

The impressionable youth and children form a large section of society and the Association has carefully looked after their all round welfare. As early as the first decade of this century the Association in a representation to the Government of India deplored that there was neither any organised and dependable body to institute necessary enquiries into the condition of helpless victims of immoral traffic and report the matter to the Magistrate for action. It was highly regrettable that there was no public refuge house where children might be lodged after their rescue, nor was there any provision for the necessary fund. The Association hoped that a corporate body would be created by the Government for the aforesaid purposes and that a suitable asylum would be established with the liberality of Government supplemented by public contributions. The Central Government, however, declined to make any new law on the subject. The Bill introduced in September 1913, in the Imperial Council to amend certain provisions of the Penal Code, so as to give governmental protection to young girls was naturally supported by the Association. The Association felt happy that the raising of the age limit from 14 to 16 years as the age of discretion would enable the restoration of many minor girls, abducted for immoral purposes, to their natural guardians. When, however, next year, the Government proposed in an amendment to afford greater protection to minor girls by separating them from their mothers or near relatives who were leading an immoral life, the Association pointed out the futility of any such reform, until proper rescue houses were ready. Further, it suggested the exemption of married girls and widows under 16 from the operation of the amend-

ment. It recommended the inclusion of a provision fixing a minimum age under which no girl should be taken away from her people.

### **Whipping and Young Delinquent**

In cases of delinquent children the Association was averse both to lenient or harsh treatment particularly under the auspices of the Government. In 1920, the Government of Bengal expressed itself in favour of restricting the punishment of whipping in the case of adults committing crimes as mentioned under Sec. 4 of the Whipping Act and retaining it against juveniles in the line of school discipline. The Association opined that whipping should be abolished also in the case of juveniles on the score of its affecting the finer sensibilities of the whipped.

In the February Session of the Bengal Legislative Council, the Hon'ble Maharaja Kshaunish Chandra Roy of Nadia introduced the BENGAL BORSTAL SCHOOL BILL. The Association observed that it was good to remove adolescent offenders from the vicious atmosphere of the ordinary jail and to train them in useful crafts. The Act was expected to be an adequate supplement to the Bengal Children Act.

From time to time the Association, seeking to uphold public morality, have written to the Government advocating the suppression of goondaism, public gambling, obscene literature and indecent advertisements. It has called for strict police vigilance in these matters and has wanted Government to deal firmly with these causes at their very roots.



## CHAPTER III

### TRANSPORT AND COMMUNICATIONS

The material improvement of the country, particularly the growth of trade and commerce in India, underlined the need for an efficient system of transport and an easy, cheap and reliable means of communication. In the age of phenomenal expansion in world wide commerce which was witnessed in the first half of the twentieth century the British Indian Association repeatedly pleaded for modernising transport and communications in the interest of economic development of the country not less than the comforts and welfare of the common man. During the last fifty years it has interested itself in the growth of rail, water and road transport including tramway, and postal and telephone systems of communication.

#### **Railways : Reduction in Fare**

Following the announcement early in the new century of reduction in Railway fare for journeys over 300 miles, the Association requested an extension of the reduction for local passengers also. In 1937, the INDIAN RAILWAY AMENDMENT BILL was introduced in the Central Legislature. This Bill proposed to confer large powers upon the Federal Railway Authority and to fix the maxima and minima of railway rates. The Association commented that the Bill was somewhat unconstitutional since the Federal Railway Authority had not yet been set up, and as to the rates, it was first to be settled whether the question of rates was to be dealt with as a matter of policy or to be decided by executive authority. It considered that the power of fixing the rates should lie with the Legislature. Again in January 1944, Government

of India proposed to increase the railway fares to the extent of 40%. This was opposed by the Association on the ground, among others, that the railways had a surplus of income, that the cost of living of the people had greatly gone up and that the increased fares would be an unjust taxation upon the travelling public.

### **Ticketless Travelling**

While the Association urged the railways to keep down the fares and freights, it did not grudge the legitimate revenues of the Railways. Indeed, it strongly advocated the stoppage of ticketless travelling. In giving its opinion on the Indian Railways Amendment Bill of 1937, however, it found that instead of rendering ticketless travelling difficult, the amendments laid emphasis rather on punitive measures and placed the onus of proving the intention not to defraud the railways on the accused. It also gave wide powers to the railway staff which was opposed by the Association.

### **State vs. Company Management**

As far back as 1916, being invited to give its opinion on the subject of the comparative advantage of State versus Company Management of Railways, the Association refused to take a doctrinaire attitude on the subject. While suggesting the removal of the difficulties inherent in the system of Company managed Railways, it maintained that both private and State Railways should be given a further trial with a view to causing minimum of disturbance to the manifold interests that had grown around in the Indian Railway administration. Before the Indian Railway Committee of 1920, the Association in a representation observed that both the systems of State and Company management had their advantages and their disadvantages. It was generally believed that State management had the interests of the public at heart, but experience had shown in other countries that it was



too costly and not very efficient. The Association, therefore, suggested a combination of the two systems so far as the management of State Railways was concerned, and profit-sharing basis under State control with powers conferred upon Local Boards for prompt decision of urgent cases.

### **Pilferage in Transit**

Pilferage of goods while on Railway transit had become a regular menace in the twenties and was indeed a blot on railway management. The Agent of the East Indian Railway drew the attention of the Association to the thefts of Railway property and of goods stolen in transit in respect of which damages were payable by the Company and invited the opinion of the Association for a proper handling of the situation. The Company, on the administration side, proposed the re-organisation of the Watch and Ward Staff; on the legislation side, the Company suggested that the Provincial Legislative Councils should legislate in the lines of the Howrah Act, which imposed the onus of proof of ownership of an article on the subject who was found in possession of it though this was indeed opposed to the cardinal principle of British Law that one should not be presumed to be guilty until he was proved so. The Association, in view of the special circumstances of the case, approved of the Company's recommendations. Considerable losses in railway transit, however, continued to be suffered by the members of the public, and the Association urged that "adequate steps be taken for the protection of the public from such losses, as it was practically impossible for consignors to show that the loss was due to the wilful neglect of the Railway Administration or to theft by or wilful neglect of its servants", as provided in Risk Note forms B and H. As the sufferers did not get any compensation, the Association suggested an alteration of the provisions of the Risk Note form so far at least as the carrying of parcels of fruits, vegetables and other perishable goods were concerned.

## Land Acquisition

Though the Association sincerely wished expansion of the Indian Railways, it never desired that this should come at the cost of avoidable miseries of the people. There was a possibility that considering its own needs paramount, that big organisation protected by the powerful arm of the State in India might pay scant attention to the little joys and sentiments of common people. The Association took up their cause. Early in the twenties, the Government of Bengal proposed to acquire an area of about 38 acres of land in the village of Belur for the E. I. Railway Company to enable them to construct additional staff quarters. Accepting the standpoint of the residents of the locality who were threatened with ejection from their hearth and home, the Association in a representation to the Chief Secretary pointed out that the proposed acquisition did not seem urgent as the Railway Company had acquired in 1897, a large plot of land in the neighbourhood of Belur for Industrial purposes, a suitable portion of which still remained vacant. The Association's proposal for the postponement of acquisition however was not heeded to by the Government.

## Waterways

The Association has always been conscious of the need for development of waterways in Bengal. It has shown keen interest in the expansion of trade, development of Calcutta as an important port, and evolution of a sufficient mercantile marine in India. It, however, set its face against any scheme that would throw large numbers of people such as cultivators out of their hearth and home and lands for tillage.

## Grand Chord Canal

In 1913, the Association accorded a qualified approval to Mr. Leeds' project of a Grand Chord Canal between



Calcutta and East Bengal after consulting the merchants of Ultadanga, Beliaghata and other places principally to be affected by the project. It suggested that the proposed canal route instead of taking a straight easternly course from the Kaorapukur Lock to Kulti should pass through Tolly's Nullah *via* Bidyadhari up to its junction with the Peali river and then into the Kulti and Matla rivers and other natural channels northward upto Kulti. However, it did not expect the volume of traffic from the opening of the proposed canal to be very high.

### Grand Trunk Canal

In January 1917, the Government of Bengal invited the opinion of the Association on a scheme prepared by Mr. Adams Williams for a Grand Trunk Canal for inland steamer and boats between Calcutta and East Bengal. This scheme was better than the original alignment proposed by Mr. Lee, as it shortened the length of the canal by nearly ten miles, reduced the cost and avoided certain engineering difficulties. The Association was doubtful, however, if it would benefit the trades located in Calcutta. It thought that the construction of an altogether new inland harbour would practically mean the establishment of a new commercial town which would deprive the important commercial quarters of Calcutta of much of their importance and divert traffic with the consequence that the value of land in those quarters would depreciate. The Association, therefore, could not accord its support to the scheme. The Government of Bengal held a Conference on January 27, 1925, to discuss the Grand Trunk Canal Project and Raja Reshee Case Law, C.I.E., M.L.A., the President, represented the Association at the Conference. The project was criticised as being too expensive and of doubtful utility. Government also intended to float a loan for the purpose. The project was, however, dropped later.

### **Ship Canal Scheme**

In like manner in 1946, the Calcutta Port Commissioners proposed to construct at an estimated cost of Rupees fifteen crores a ship canal to connect directly the Kidderpore Dock with the Hooghly off Diamond Harbour. It was hoped that it would remove the necessity of suction dredging of the upper reaches of the Hooghly and of specialised Pilot Service. In pursuance of the scheme Government issued notice to acquire an area more than 30 miles long and one mile in width, measuring about 25,000 bighas and comprising 125 villages, in the most fertile tract of the District of 24-Pargans. In view of the great hardship that would befall the local inhabitants and the possibility of heavy reduction in food supply in a year of acute food shortage, apart from deterioration of the river Hooghly, the Association in a resolution forwarded to the Commerce Member, Government of India, and the Irrigation and Waterways Department, Government of Bengal, objected to the Ship Canal Scheme.

### **Shipping and Shipbuilding**

The development of Indian shipping and Indian ship-building industry and adoption of appropriate steps for the purpose were uppermost in the mind of the Association. On March 27, 1923, Mr. Seshagiri Aiyar introduced a Bill in the Indian Legislative Assembly with a view to securing an independent, well-organised mercantile marine for India and the Government of India set up a Committee to explore the possibilities of such a mercantile marine in the country. To this Committee the Association sent a representation\* deeply deploring the complete annihilation of the ship-building industry and shipping enterprises in India which was one of the saddest chapters in the annals of the British Rule in this country. The Association sent detailed answers to the questionnaire issued by the Committee. It pointed out that the

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\* *Vide* Appendix.



share of the Indian shipping in the coastal trade in 1922, was even less than 1/7th of the total tonnage employed, while its share in the foreign sea-borne trade did not even amount to 2% of the whole tonnage engaged. The crushing competition of European shipping companies which practically enjoyed a monopoly militated against the development of indigenous shipping enterprise. The Association maintained that without State aid no substantial progress was possible and suggested first the abolition of the system of deferred rebates which had been condemned by the Indian Fiscal Commission as being "one of the strongest buttresses of monopoly." Indeed, this system had been declared illegal in the U.S.A. and the Commonwealth of Australia also did not look upon it with favour.

The Association further suggested the exemption of port dues, import duties on ship-building material, reimbursement of Canal Dues, preferential railway rates, cheap loans to ship-owners, construction and navigation bounties, coastal and admiralty subventions, general and special subsidies and reservation of the coastal trade to Indian shipping as other aids for the regeneration of the Indian ship-building and shipping industries. It was pointed out that the encouragement of the ship-building industry through construction bounties had been successfully resorted to by Austria-Hungary, Spain, France, Italy, Japan, Russia, not excepting England herself who gave a loan of over two million pounds at less than the market rate of interest to the Cunard Line for the building of two ships. Navigation bounties, return of canal dues, admiralty subvention and reservation of coastal trade had all been tried and practised by many nations of the world. The Association submitted that the same principles should be followed in India too, because State aid would be necessary both at the time as also for sometime to come.

The Association favoured the preliminary course of instruction for naval apprentices in a training ship or a train-

ing ship on shore, which should be supported by Government to the desired extent—a training ship jointly serving the Royal Indian Marine and the proposed Indian Mercantile Marine. Monthly scholarships defraying a substantial portion of the cost of training in England should also be introduced. For training of Executive Officers and Engineers a Nautical College in Indian waters should be set up. Kumar Pramatha Nath Roy, prominently associated with shipping enterprise in Bengal, was deputed by the Association as its representative to give oral evidence before the Committee.

### **Coastal Traffic**

Later, to control the coastal traffic of India, the COASTAL TRAFFIC BILL was introduced by the Hon'ble Mr. P. N. Saprú in the Council of State in the middle thirties. The Association in a representation maintained that it should be the recognised policy of every progressive Government to support national shipping industry and eliminate unfair competition in the coastal traffic. It lent its whole-hearted support to the Bill as it was satisfied that it did not discriminate against any other interest.

### **Ferry Service**

The Association did not ignore the importance of Bengal's rivers or ferry service over them. The Association took advantage of the tabling of an amendment to the Bengal Ferries Act in the Bengal Legislature in 1935-36, to suggest that the term of lease for ferry services should be long to a maximum of five years, for such services could not be efficiently run without heavy initial expenses. Another amendment Bill was introduced in 1939, which sought to avoid unfair competition between private ferries within the radius of two miles except with the sanction of the District Magistrate who had the support of the Association.



### **Tramways in Calcutta**

Public transport in the premier city of India has engaged the attention of the Association from time to time. The project for tramway in Calcutta had the backing of the authorities, but they did not seem to care so much about public safety. Draft Regulations for Calcutta Tramways were sent to the Association on August 19, 1903, in reference to which the Association forwarded its views for proper working of the system.

### **Hackney Carriage**

While it looked with some suspicion at the zeal for introducing tramcars in Calcutta, the Association gave strong support to the continuance of the indigenous system of public transport in Calcutta, viz., hackney carriages. A Special Committee was appointed by the Corporation of Calcutta in 1910, to consider the question of the amendment of the Calcutta Hackney Carriage Act of 1891. An amending Bill based on the recommendations of this Committee was introduced in 1916, and referred to a Select Committee. In deference to public opinion and disapproval expressed by the Association the Bill was dropped. The Select Committee recommended that a new Bill should be framed. The Association apprehended that the changes proposed were of a drastic character and suggested certain alterations in the original Bill. The Select Committee accepted many of the suggestions made by the Association and the Bill as settled by the Select Committee was passed in the Bengal Legislative Council on November 26, 1918.

### **Postal Service**

Postal service, both efficient and cheap, has been demanded of the Government by the Association. In 1911-12, Government of India brought forward a Bill to amend the INDIAN POST OFFICE ACT. The Association strongly protested against the proposed abolition of maximum rates for parcel

posts on the score of their being unremunerative as also the proposed fees to be charged for enquiries into complaints regarding the disposal of postal articles. Government of India took note of the Association's opposition in the first case and, as regards the latter, redrafted the clause to mean that payment was to be made if an enquiry was demanded as to the delivery of value-payable articles.

### **Telephones**

The telephones are another modern means of communication. The Association has tried to keep its charges low, so as to make it more popular. After World War I, the Bengal Telephone Corporation notified an increase of their charges, in some cases, even by 75%. Under the auspices of the Association there was a Conference of representatives of some of the leading public associations to consider the situation and submit a united protest. In the joint representation that was subsequently forwarded the all-round enhancement was found to be excessive and unjustifiable. The Corporation, however, in its reply justified it on the ground of the recent increase in the cost of every article, as also on the ground of developing the telephone service in Calcutta on modern lines. In the Bengal Legislative Council, Babu Amulya Dhone Addy, a member of the Association, raised this question and fought against the rise. The Government of Bengal set up a Committee to consider the rates. While approving of the recommendations of the Bengal Government Telephone Committee, viz., that the rental charge should be Rs. 12 per month and message rate at 12 calls a rupee, the Association suggested that where the total calls were 90 or less the rental should be Rs. 10 per month and message rate 10 to the rupee.

### **Radio Broadcasting**

In the discovery of the wireless system, another potent means of communications was evolved. The Association de-



sired from the very start that the system should be placed in charge of a public Company and not of Government, whether Central or Provincial. In the year 1924-25, the opinion of the Association having been invited by Government on the subject of the development of Radio Broadcasting in India, the Association in reply expressed general agreement with the conclusions tentatively put forward by the Government of India. However, against the Government proposal, the Association suggested that a Central Company would be better able than a number of Provincial Companies to maintain and organise the Broadcasting service. The British Broadcasting Corporation itself gave strength to the suggestion that a Company could run broadcasting service as a commercial proposition on the basis of the licensing fees for receiving sets. The Association suggested that the license fee for a receiving set should not be more than Rs. 6 per annum, as in the case of British Broadcasting Company, it was only 10 shillings per annum. However, unlike the B.B.C. the Indian Company might receive advertising matter in order to add to its income. Within a couple of years Government of India decided to close down radio broadcasting in India. On learning this, the Association urged upon the Government the need of continuance of broadcasting at least in Calcutta, though it was quite clear now that the chance of its successful development in the hands of a Company was rather slender.

## CHAPTER IV

### THE JUDICIARY

All the three branches of modern civilised Government, viz., the legislature, the executive and the judiciary, received equal attention of the Association, as exclusion of one against either was likely to weaken the administration, bring disgrace upon the Government and engender distrust in the minds of the people. Such a State was not at all conducive to the welfare of the rulers and the ruled and detrimental to the smooth progress towards an ideal State based on the contentment of the masses.

In 1900, the Government of India put forward some revised proposals for limiting second or special appeals. The Association objected to this on the ground that it would lead to the denial of justice in a large number of suits. Comparison of the number of appeals in civil suits in India and England, compiled by Government about four years before also revealed that, on the population basis, litigiousness was more prevalent in England than in India. Still, it had not been found necessary to take steps to limit appeal in civil suits in England. Other bad effects of the proposed changes, the Association pointed out, would be an incentive to over-valuation of suits, and the temptation of the subordinate appellate courts to affirm the decrees of the Courts of the first instance.

The object of the Government in limiting second appeals was to offer relief to the overworked judges. Successive additions to the strength of the High Court Judges since 1890, made but little impression upon the increase in the volume of High Court cases, which grew alarmingly large. To reduce pressure of work for the Provincial High Court, Government of India in the second decade of this century again proposed that there should either be no appeal from the judgment of a



single Judge in a civil case passed on revision or in exercise of the general power of superintendence over subordinate courts or that there should be no right of appeal from the decision of a single Judge sitting in appeal unless the subject matter in dispute exceeded a specified sum. The Association regarded the growth in the volume of litigation as only the necessary outcome of natural causes; that the number of Letters Patent appeals was very small and that the right of appeal which the Government proposed to interfere with was very highly valued by the people. On all these grounds, the Association suggested that the proposals be abandoned.

In the twenties the Association supported an unofficial attempt to increase the number of Judges. The Hon'ble Mr. Sethna moved a resolution in the Council of State recommending an increase to 50% of the number of Indian Judges in the High and Chief Courts and in the number of Indian Judicial Commissioners. The Association was confident that the supply of Indian lawyers of the front rank was sufficient to give effect to the resolution. It felt, however, that a hard and fast rule regarding the proportion of nationality of judges might embarrass the Government occasionally. Nor should the interest of the Indian Civil Service be ignored in the matter. Taking all these into consideration, the Association suggested an amendment of the Government of India Act so that 1/3rd of the number of Judges might be recruited from the Pleaders of the High Court and from Judicial Officers and that half of the number of Judges to be Indians.

A more thorough-going suggestion that would cut at the root of over-congestion of cases in the Calcutta High Court in particular was, however, that of a District Court for Calcutta.

### **Different Status of Lawyers**

The distinction unnaturally maintained between Barristers and Vakils was only adding to the cost and harassment of

the litigant public. This matter had been engaging the attention of the Association since the last twenties. A resolution was moved in and accepted by the Indian Legislative Assembly, in which Mr. Iswar Saran recommended the creation of an Indian Bar so as to remove all distinctions between Barristers and Vakils. The Association could not agree to the proposal owing to the inadequate state of legal education in India and the training which was available to the law students here. At the same time, the Association saw no reason why some of the privileges exclusively enjoyed then by the English Bar should not be extended to the Vakils at the High Courts for instance, the privilege of exclusive practice in the Original Side of the High Court, which was shared by the Barristers with the Vakils in the Madras High Court. Even in Bombay the Vakils of not less than ten years standing were allowed to practice in the Original Side without passing any examination whatsoever. At first, Barristers alone were entitled to practise in the Original Side when under the East India Company, English law alone was administered in the Presidency Town and the British practice offered a guide. The Association further suggested that when a Barrister and a Vakil appeared on the same side the senior of the two should lead. On the question of desirability of separating or uniting the functions of Solicitor and Counsel, the Association observed that an Attorney-at-Law was an anachronism in these days of equality of law and uniformity of procedure.

In 1924, to the Indian Bar Committee headed by Sir Edward Chamier, the Association submitted a representation urging removal of distinction between Barristers and Vakils, and establishment of an all Indian Bar with a Provincial Committee at each High Court. The Association further suggested that Barristers, Vakils and Attorneys should be equally eligible to act and plead in the High Court in all its jurisdictions, but thought that in the Lower Courts and Revenue Courts, Muktears and lower grade Pleaders were



necessary. The Association elected Dr. Dwarka Nath Mitter, M.A., D.L., one of its prominent members, as its representative to give evidence before the Indian Bar Committee. The Indian Bar Councils Act of 1926, was the result of its recommendations.

About ten years later an amendment of the Act was moved in the Indian Legislative Assembly. The Association did not think the amendment would improve matters, and so did not support it. Other amendments were also moved in later years. In 1929, by an amendment certain disabilities suffered by a class of advocates who could not practise in the Original Side of the High Court in Bengal were sought to be removed. The Association though appreciating the principle in the abstract could not endorse the removal of all distinctions and maintained that this might put a premium on inefficiency.

By another amendment Mr. Akhil Chandra Dutta, M.L.A. (Central), sought to achieve (1) uniformity among all categories of legal practitioners, (2) autonomy for Bar Councils, and (3) democracy in the Bar Councils by allotting a number of seats to moffussil lawyers to be filled by election by them. On the ground of efficiency, the Association objected against the first objective, but did not raise any objection to the other two.

### **Judicial Reforms Committee**

The Judicial Reforms Committee was set up early in 1950, by the Government of West Bengal to make recommendations for better functioning of the judicial system of the State. It issued a questionnaire touching upon important matters such as the retention or abolition of the original civil and criminal jurisdictions of the High Court, procedure on the original side, and constitution and nature of a City Civil Court, and a City Sessions Court. Questions relating to the children's court in Calcutta, administration of justice in rural

areas, formulation of a unified Bar and State aid to indigent litigants were also set in it. The opinion of the Association was invited by the Committee on these matters. The Association submitted detailed replies to the questionnaire. On behalf of the Association Mr. P. N. Singh Roy and Kumar Amaresh Chandra Sinha gave evidence before the Committee on June 17, 1950. In their evidence, the representatives of the Association supported the idea of the establishment of City Civil and Sessions Courts, of unified Bar and of limited State help in pauper suits. Accepting the recommendations of the Judicial Reforms Committee, the Government of West Bengal have recently enacted a measure for setting up a City Civil Court and a City Sessions Court to try civil and criminal cases of specified types in Calcutta.

On the subject of unified bar in 1952, the Government of India in the Ministry of Law set up the All-India Bar Committee with Mr. Justice S. R. Das as the Chairman. The consensus of opinion, it seems, is for the establishment of a Central Bar Council with a uniform Code of legal practice. An overwhelming majority of witnesses favoured the abolition of the dual system of Counsels and Solicitors. It was suggested that the system should be optional and in case where the junior advocates act as Solicitors it should be legalised. Thus the stand of the Association on the three main issues of a unified Bar, City Civil and Criminal Courts for Calcutta has been substantially vindicated.

### **Enhanced Power of Presidency Small Causes Courts**

At an early part of the present century, the Government of India proposed to amend Sections 28, 39 and 69 of the Presidency Small Causes Courts Act of 1882. The Association was of the opinion that the Presidency Small Causes Courts should be vested with adequate authority to determine the question of title in execution proceedings. But when, a few years later, the Government of Bengal proposed to raise



the jurisdiction of the Calcutta Small Causes Court from Rs. 2,000 to Rs. 5,000 and to re-invest it with equity jurisdiction, the Association could not agree. It adhered to its previous suggestion for a Court for the Calcutta District.

### **Court of Ultimate Civil Appeals**

Early in 1920, the Association welcomed the proposal contained in a resolution moved by Dr. H. S. Gour in the Central Legislative Assembly recommending Government to take steps to establish a court of ultimate appeal in India for the trial of civil appeals. This, the Association thought, would remove the trouble and expenses that the appellants to the Privy Council undergo and would cut down the delay that occurs in the adjudication of appeals. Much of the anxiety and inconvenience of the appellants would also disappear. In fact, Dr. Gour had made out a strong case for such a Court of Appeal. Though nothing much was done at the time, the Privy Council as the final Court of appeal ceased to exist for India with effect from November 1949, and the Supreme Court of India replaced it.

### **Sheriff of Calcutta**

Justice comes to litigant public through certain processes and procedures. The post of the Sheriff of Calcutta is an adjunct to the administration of justice and is as old as the Charter of 1774, which established the Supreme Court of Judicature at Fort William.

In Bombay the Sheriff's post was an honorary one, and in paragraph 55 of their Report the Bengal Retrenchment Committee in 1923, urged Government to take away the yearly profit of the Calcutta Sheriff's Office, and pay possibly a nominal fee to the Sheriff himself. There was a hint that it might be desirable sooner or later to take over the Sheriff's office establishment as part of the office of the Original Side. The Association expressed its doubt as to the desirability of this change. But if by making the post honorary, savings

were effected, these should be utilised, the Association recommended, for the relief of the most deserving class of litigants.

Some of the Members of this Association who have distinguished themselves in various public activities have been invited to hold this high public office. Below is a list of Sheriffs showing the years of public honour against their names, who were all members of the Association.

List of Sheriffs who were Members of the Association :

(1875-1953)

|                                               |             |
|-----------------------------------------------|-------------|
| Babu Degumber Mitter                          | 1875        |
| Hon'ble Durga Churn Law                       | 1882        |
| Khan Bahadur Nawab Syed Ashgar<br>Ali, C.S.I. | 1883        |
| Dr. Mahendra Lall Sircar,<br>M.D., C.I.E.     | 1888        |
| Mr. R. D. Mehta                               | 1893        |
| Babu Joy Gobind Law                           | 1893        |
| Rai Bahadur Sitanath Roy                      | 1898        |
| Mr. H. M. Rustomjee                           | 1902        |
| Mr. Nalin Behari Sarcar, C.I.E.               | 1904        |
| Maharaj Kumar Kristodas Law                   | 1907        |
| Maharaja Sir Prodyot Coomar<br>Tagore, Kt.    | 1908 & 1909 |
| Sir Rajendra Nath Mookerjee,<br>K.C.I.E.      | 1911        |
| Raja Reshee Case Law, C.I.E.                  | 1915        |
| Rai Hariram Goenka Bahadur, C.I.E.            | 1917        |
| Sir Onkermall Jatia, Kt.                      | 1925        |
| Rai Manmatha Nath Mitra Bahadur               | 1927        |
| Mr. Profulla Nath Tagore                      | 1931        |
| Rai Bahadur Badridas Goenka, C.I.E.           | 1933        |
| Sir Abdul Halim Ghuznavi,<br>Kt., M.L.A.      | 1935        |
| Dr. Satya Churn Law, M.A., Ph.D.              | 1937        |



|                                               |      |
|-----------------------------------------------|------|
| Mr. Jiban Krishna Mitter                      | 1945 |
| Dr. Narendra Nath Law, M.A.,<br>P.R.S., Ph.D. | 1949 |
| Maharaja Sris Chandra Nandy of<br>Cossimbazar | 1952 |
| Sir Bijoy Prosad Singh Roy,<br>K.C.I.E., Kt.  | 1952 |
| Dr. Bimla Churn Law, M.A., D. Litt.           | 1953 |

The procedure for dispensing justice both on the civil and criminal side is not only a set standard for all to follow but is a positive aid to justice.

In 1903, the Association suggested material alterations particularly in clauses 266 (2), 310A and 594 of the Bill to consolidate and amend the law relating to the Procedure of the Courts of Civil Judicature as revised by the Select Committee. It prayed for no change by way of curtailment of the right of Second Appeal. It urged for no modification of Section 310A as it would further prejudice the judgment-debtor.

Next year, the Association ineffectually moved the Hon'ble the Chief Justice and the Hon'ble the Puisne Judges of the High Court to annul the existing practice in courts for the publication in local newspapers of all cases of the Proclamation of Sale in execution of a decree, on the ground of the heavy cost of rent suit to a decree-holder.

In a separate representation to the Government of India the Association urged for a reduction in the heavy court fees and process fees in suits for recovery of rent.

### **Separate Insolvency Measure**

The Government of India proposed to separate provisions relating to insolvency from the Code of Civil Procedure and introduce the same as a distinct measure on the September 28, 1906. The Association objected against the invidious

distinction drawn in the Bill between agriculturists and other classes of creditors whereby a ryot could apply for the benefit of the law even when his debts were as small as only Rs. 50 while a trader or artisan could not do so unless his debts amounted to Rs. 500. The Bill was bad inasmuch as it ignored the landlord's title to the land and crops as a first charge ; nor would he rank even as "secured creditor". There were further vexatious provisions particularly against landholder-creditors making them liable to pay compensation in the event of harassing applications.

### **Amendment of the Civil Procedure Code**

In September 1907, a Special Committee appointed by the Government of India to consider the amendment of the Civil Procedure Code, on the analogy of English practice, recommended that "matters of mere machinery should be relegated to rules capable of alteration by each High Court, subject to certain checks, and that those provisions only should be retained in the body of the Code in which some degree of permanence and uniformity was desirable." The Association suggested that the Rules which the Bill empowered the High Courts to make relating to the Procedure of Civil Courts, should not be passed before the public had been given an opportunity to express their opinion on them. It further suggested that, when necessary, the Chief Justice should be empowered to appoint a Subordinate Judge or a pleader practising in the moffussil Courts as a member of the Rule Committee. It pointed out the desirability of recording verbatim the evidence of witnesses in the language in which it was given and suggested that it should be provided that an order sheet should be kept in the record of every suit and that all orders relating to the suit should be signed or initialled not only by the presiding judge but also by one of the pleaders of both the parties. Government accepted the two first mentioned as well as some other amendments suggested by the Association.



In 1921, Dr. H. S. Gour introduced in the Central Legislative Assembly a Bill to amend the Code of Civil Procedure with a view to do away with the imprisonment of the judgment-debtor in connection with the restitution of conjugal rights, on the ground that it militated against the dignity and self-respect of a woman. The Association, however, could not support it on the ground that such cases of imprisonment of recalcitrant wife were extremely rare and that the provision was a necessary one as a deterrent against those wives who were inclined to refuse to live with their husbands in a temporary fit of anger. If this healthy check were removed there might be disunion in marriages. In any case, the law left ample discretion to the Court in giving the recalcitrant wife this extreme punishment. Finally, the aggrieved husband would have no remedy at all, in the event this punishment of the wife was abolished.

With a view to giving proper facilities to the decree-holders to execute a Court decree, the Government of India proposed in 1927, to amend the Code of Civil Procedure of 1908. The Association extended its full support. Again, during World War II, an amendment of the Civil Procedure Code was suggested whereby the High Court would be invested with the power to do justice on points of fact in the event of serious error there, and the Association supported the amendment.

### **Amendment of the Criminal Procedure Code**

In like manner, the Association took interest in the amendment of the Criminal Procedure Code which took place from time to time. At the instance of the Government of India the Government of Bengal sought the views of the Association in 1905, on the infliction of whipping as a judicial penalty. The Association was opposed to it in general, as being out of place in a civilised society, as it stood in the way of the reformation of the offender. English and

Continental jurists were unanimous that increase of leniency was always accompanied by decrease of serious crime. Moreover, this form of penalty made the constitutional right of appeal a nullity. The Association urged for the total elimination of this form of punishment from the Criminal Code of India as it had failed to prevent the overcrowding of jails which was one of the reasons for its enactment into law in 1864.

There was a move in 1907, to amend the law regarding the prevention of breaches of peace in connection with disputes relating to Chur lands, particularly in reference to Sec. 145 of the Code of Criminal Procedure around which a mass of conflicting rulings had accumulated. The Chief Justice and the Judges of the Calcutta High Court suggested the repeal of Chapter XII of Cr.P.C. and the empowering of Magistrates to bind down parties personally to keep the peace or to attach the subject matter of dispute and appoint a Receiver. Disapproving of these suggestions the Association mentioned that non-resident landholders who might not be aware of any breach of the peace might have to undergo much hardship and distress for no fault on their part, if the law was passed. It commended the Bill relating to disputes concerning Chur lands drafted by the Government of Bengal in 1905, for the adoption by the Government of India with suitable modifications.

On the eve of World War I, the Government of India proposed to amend the Cr.P.C. with a view to conferring power upon private persons to arrest any person on reasonable suspicion of his having committed a non-bailable and cognisable offence. The Bill, the Association thought, would place a dangerous weapon in the hands of unscrupulous persons, put to trouble honest people, seriously encroach upon the liberty of the people, and place a premium upon illegal gratification. The Association was critical of the clause which provided that a resident of a Presidency



town might be sent to jail for six months without a line of evidence being recorded and without any charge being framed against him. The Bill was first introduced in the Imperial Legislative Council in March 1914, but owing to the War, further progress with the Bill was suspended. Eventually, it was referred to a small Committee of lawyers, including the Hon'ble Law Member and the Hon'ble Sir S. P. Sinha representing Bengal. The Bill was revised, on their recommendations, and the Association submitted suitable criticisms of its provisions.

Soon after World War I, on the question of permitting accused persons to give evidence on their own behalf, it was proposed to alter the Code of Criminal Procedure on the lines of the provisions of the English Criminal Evidence Act of 1898. In view of the deficiency of education, the Association apprehended that this right would prejudicially affect the interest of the accused themselves and, therefore, opposed the proposal of the Government of Bombay for the introduction of the English Law into the Code of Criminal Procedure.

In accordance with the resolution of the Indian Legislative Assembly the Government of India appointed a Committee some time in the early twenties to enquire into the question relating to the removal of racial distinction between Indians and Europeans in the matter of their trial and punishment for offences. To this Committee the Association submitted that considering the class of Magistrates of high attainments who were then being employed by Government and the fact that there was a large number of Europeans and Americans to be found in almost all the Districts of India, there was no necessity for any special provision as contained in Sections 443 to 445 of the Cr. P.C. ; nor was it clear why in all cases against Europeans and Americans they should be tried by Jurors or Assessors.

The majority of the members of the Racial Distinctions Committee expressed the opinion that a sentence of more

than two years' imprisonment should not be passed without the assistance of a Jury or Assessors, and recommended the repeal of Sections 31 and 34 of the Cr.P.C. accordingly. The Association fully approved of this proposal but maintained that if it was not acted upon the existing sections should apply equally both to European British Subjects and to Indians.

To prevent delay in justice by empowering the judicial authorities to proceed with the case in the absence of an accused, the Hon'ble Sir James Crerar moved for insertion of Section 540-B to the Code of Criminal Procedure. This came to be known as "Hunger Strike Bill." The Association would not approve of the changes suggested as it felt that any sentence passed on the accused in his absence would be politically inexpedient and would sap the confidence of the people in the courts of justice.

Again, for expediting justice, the Association has suggested summary procedure in certain cases. To expedite the trial of suits on the Original Side of the High Court there was a proposal early in the twenties to introduce Summary Procedure as obtained under Order XIV of the Rules of the Supreme Court of England. The Association opined that it was always safe to make an experiment on a small scale and suggested that the procedure should first be applied to ejectment suits only, and if the experiment proved a success it might be extended to the sphere of suits for debts and other liquidated claims.

Next year, Mr. P. C. Mitter, C.I.E., one of the Vice-Presidents of the Association, was elected by the Association to give evidence before the Civil Delays Committee appointed by the Government of India to discover the causes of the delay in the disposal of civil suits. Mr. Mitter pointed out many instances of slackness and pleaded for a more complete control of the delivery of summonses, suggesting that processes might be served in rural areas by peons placed under



the President of Union Boards or under the President Panchayet. With regard to rent and money suits Mr. Mitter suggested that this should be instituted according to the jurisdiction of the Thanas. He quoted statistics to show that the time taken in suits tried by Munsiffs was too long and hence harassing.

At the Annual General Meeting of the Association held in March 1924, Babu Upendra Nath Banerjee in the course of a speech referred to the widespread corruption in courts both civil and criminal. He complained that this contributed "not a little to the delay so much complained of, and the suffering of the litigants in consequence knows no bounds. There is a regular scale in the different amounts for the realization of this black-mail. This is an open secret."

### **Court Fees**

A large part of the costs of justice is covered by sums payable to the Court itself, better known as Court Fees. It is commonsense that too high a rate of Court Fees would only keep justice beyond the reach of common folk. The Association accordingly suggested reduction of Court Fees and utilised the occasion for an amendment to the Court Fees Act to press this point home to the authorities. In the middle of the twenties, the Hon'ble Sir Malcolm Hailey, the late Home Member of the Government of India, introduced the COURT FEES ACT AMENDING BILL in the Central Legislative Assembly. The Court Fees Act of 1870, had been in force for over 50 years and numerous anomalies, difficulties and conflicting decisions had been causing inconvenience to litigants. The Association objected to the proposal in the amendment for charging Court Fees upon interest from the date of the presentation of the plaint to the date of the decree, as the defending appellant could not justly be held responsible for the prolongation of the suit. The Association submitted that the Court Fees must be assessed

on the plaint as presented rather than on what the defence had to say about it. The proposal that in case of immovable property the valuation must not be less than half the value of such property was characterised by the Association as extortion. It also opposed the proposal to charge Court fees from the owner. It submitted that to delay the grant of Probate and Letters of Administration till the completion of the Collector's enquiries and the realisation of the whole of the court fees would put the executor of the administrator of the estate to serious loss. Opposing Government's proposal to increase court fees in suits under Order XXI Rule 63 of C.P.C., the Association maintained that this would involve denial of justice to bona fide claimants with limited means. The Courts of course might be given discretionary power to sanction heavy costs in frivolous suits.

When in 1933, Mr. R. A. Reid moved in Bengal amendment to the Indian Court Fees Act, the Association agreed that steps should be taken for the prevention of evasion of proper court fees, but could not agree that land should be valued at market price for fixing court fees in a suit. In 1938, by an order Government of Bengal withdrew the privilege granted under Section 158A of the Bengal Tenancy Act to some landlords endowed with certificate power in the matter of payment of court fees in respect of requisitions filed by them. The concession that was allowed after the arrears had been realized instead at the time of filing them was in the matter the payment of the said court fees requisitions. In a representation made to the Government, the Association recommended for the retention of the said privilege in view of economic depression in the country.



## CHAPTER V

### MATTERS POLITICAL

The British Indian Association was in certain respects the pioneer organisation that sought regeneration of the country through political means. The founders of the Institution were men prominent in their respective fields and could see things far ahead of the time. The state of affairs then prevailing prevented these great men from getting involved in controversial political matters but kept them wide awake to the changing conditions of the people in respect of social and other circumstances and to adopt a policy most conducive to the welfare of the country as a whole.

It was an act of sound judgment and great foresight to pursue consistently a middle course avoiding extremism in politics and at the same time to steer clear of stagnation. On one side the ideas and views of the Association seemed to some to be stale and even inclined too much towards caution about the future. But it was a fact that by avoiding extremes the Association could hold before it an ideal of unity amongst its members when India was afflicted with conflicting views and lines of action. There had been on its roll of membership Hindus and Muslims, men of all shades and grades of social status and religious conventions. The Association proved as a standing challenge to provincialism, its membership having extended beyond the limits of its Province of birth. Its emphasis on the human aspect of the society had brought together persons of various political views, social standing, intellectual acumen, industrial attainment and the like.

If the Indian National Congress represented the nationalist element of the country, the Association too

developed in its quiet unostentatious way a perfect epitome of thoughts and aspirations of the nation. Sri C. Rajagopalachari, then Governor of West Bengal, in reply to an address of welcome which the Association presented to him on December 3, 1947, dwelt on the virtue of the Association in his characteristic vein when he said :

“Ten years ago some body might have advised the winding up of the British Indian Association. But to-day you have an opportunity to tell me proudly that in your Association people from all parts of India belonging to different communities, capitalists, landlords, industrialists, etc., are all members of this Association. They became members at a time when differences were not known. They continued as members by habit and to-day perhaps there may be an apposite function for your Association to keep together various communities and people in spite of what has happened recently and thereby perhaps you can open a new chapter of political and other activities.”

The Association had, in the past, the proud privilege of influencing the political opinion of the country by giving expression to its views publicly without caring for the frowns or favours of any body, maintaining salutary contact with the highest dignitaries for free exchange of views on administration affecting the interests of the people. The Government on its part used to give public expression to its line of action through the Association which justifiably claimed to have symbolised the hopes and aspirations, the grievances, resentment and protests of the people from all strata of society.

The Association looked upon itself as a centre of cultural contacts desired to promote Indo-British fellow-feeling, a cordial relationship between the ruler and the ruled in India, and in a wider field mutual understanding of international affairs that vitally touched the well-being of the country as a whole.



The policy that the Association adopted was found to be best for all those members who found a seat in the Government by nomination or popular election. It had contributed eminent legislators and administrators that had enriched the country by their many-sided achievements. It rejoiced over the conferment of titles of honour by the Government on its members for their meritorious service in their respective spheres of activity.

By its very constitution and the method of work, the Association had consistently dissociated itself from the view supporting violence for attainment of political emancipation of the country. In matters communal, the Association had tried to bring the two great communities together, opposed communal electorate while it supported measures for the true political, economic and social advancement of the Muslims, amongst others.

### **Partition of Bengal**

It was a strange irony of fate that Bengal had had to be partitioned twice within a short space of time. The Association always very strongly opposed this move and expressed its views in no uncertain terms.

While strongly opposing the students' participation in boycott and picketing, Babu Kalinath Mitter, C.I.E., reacted unfavourably, at the Annual General Meeting of the Association of 1906, on the failure of the Association to join the movement whole-heartedly. Raja Peary Mohan Mukherji, C.I.E., the Chairman of the meeting, however, made the attitude of the Association clear with the remark that there was no bar to individual members participating in the movement. As there were members holding exactly opposite views on the question of partition, it was impossible for the Association, as a whole to subscribe to one view or the other.

As to the contribution of a particularly prominent members of the Association, Raja Suryyo Kanto Acharyya

Chowdhury of Mymensingh, Sir Surendra Nath Banerjea wrote in his memorable book, "A Nation in Making".

"Among the Zemindars of Bengal there never was a finer or a stronger personality. He received Lord Curzon with all the honours and princely hospitality ; but he told him with quiet and dignified firmness that he would regard the Partition of Bengal as a grave disaster, and that he was opposed to it ; and throughout he reminded a prominent leader of the anti-Partition agitation."

Further : "A man of his position, in those days to stand up against the Government in regard to a measure upon which it had set its heart, needed no little courage and strength of purpose."

It is significant that the first anti-Partition Conference that was held on July 20, 1905, after the announcement, had its venue at the Pathuriaghata Palace of Maharajah Joteendra Mohan Tagore, K.C.S.I., who at the conclusion of the Conference sent a telegram to the Viceroy urging for one administration for the Bengali-speaking population. Subsequent Conferences were held either at the Calcutta residence of Maharaja Suryyo Kanto Acharyya Chowdhury of Mymensingh or in the rooms of the Indian Association.

The Association maintained a close touch with the current of active political life of the country and delegates on behalf of the Association regularly attended and participated actively in the deliberations of the Indian National Congress, plenary or otherwise. This was the practice followed till the split of 1907, at Surat. Amongst those who represented the Association at such Conferences at one time or other were the Hon'ble Babu Bhupendra Nath Basu, Raja Peary Mohan Mukherji, C.S.I., and Mr. Devaprosad Sarbadhikari.

In April, 1906, in the Bengal Provincial Conference, Mr. J. Ghosal represented the Association. When the Barisal Conference was broken up through police excesses, the Association in a strongly worded resolution (dated May 15, 1906) condemned the action of the authorities for interfering with the constitutional rights of the public.



The 21st Session of the Congress held at Benares in December 27, 1905, was attended on behalf of the Association, amongst others, by Mr. J. Ghoshal, Hon'ble Babu Bhupendra Nath Basu, Rai Yatindra Nath Chowdhury and Babu Deva Prasad Sarbhadhikari.

The next Session, held in Calcutta, in 1906, afforded facility to a bigger number of members of the Association to attend it. The fateful Surat Congress of 1907, had also had its share of delegates, representing the Association, such as Rai Yatindra Nath Chowdhury, the Hon'ble Babu Bhupendra Nath Basu and others.

In its Annual Report for the year the Association regretted the unfortunate incident and hoped that better sense would return to those responsible for the schism and "that the Congress would continue to serve the country with redoubled vigour."

The heat of controversy over the Partition reached its zenith in Bengal in 1907-08. Violent language was used both in the nationalist and the Anglo-Indian papers for and against the new move. Persons with extreme views opposing the Partition, newspaper Editors and political workers were hauled up before the law courts in considerably large numbers on charge of sedition.

The gradual estrangement of feeling between the ruler and the ruled filled the Association with utmost concern and it issued an "appeal" to the countrymen exhorting them to exercise moderation in their tone and temper. The crying need of the moment, read the appeal, is unity and good feeling between the various communities, whole-hearted sympathy on the part of the rulers for the people under their charge, and co-operation on the part of all who have the real interest of the country at heart." A Bengali translation of the appeal was also distributed amongst the masses.

### Announcement of 1911

Almost the entire population of Bengal received the announcement of annulment as a great triumph of a public demand but the Association engaged itself to a critical study of the changes. At the Annual General Meeting held on March 30, 1912, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association discussed the merits and demerits of the announcement. According to him it involved, *firstly*, the transfer of the metropolis of India so long situated in Calcutta, to Delhi, the old seat of the great Moghuls; *secondly*, the linking up once again of the two natural halves of the same province; *thirdly*, the formation of new administrative units with self-contained institutions; and *fourthly*, the raising of the Government of Bengal to the status of a Presidency form of Government. The President continued: "Although a Governorship is a distinct gain to us, although Bengal will now be homogeneous in population, Calcutta will be only a Provincial capital and we deeply feel her loss."

In the interest of economy and for the sake of uniform development, he did not favour the setting up of an Executive Council for Bihar and Orissa when some of the older Provinces had no such Councils. However, in the farewell address to Lord Minto on his retirement from India, the Association stated that it had good reason to feel "profound satisfaction and gratitude" on "the addition of Indian Members to the Executive Councils"—a system which had been started during his Viceroyalty.

In March, 1914, at the Annual General Meeting of the Association, Babu Satish Chandra Pal Chowdhury reverted to the economics of the transfer of Capital. Lord Hardinge had stated that the project estimate of the cost of New Delhi was about Rs. 9 crores but the people believed it to be a gross under-estimate. Mr. Pal Chowdhury questioned the



necessity of this enormous expenditure in the teeth of protests from public men and Chambers of Commerce and to the great prejudice of industrial, commercial and railway development and the needs of education and sanitation. Likewise, he feared that the formation of the separate province of Bihar & Orissa would adversely affect the present status and the future growth of the Calcutta High Court and the Calcutta University.

Once again in 1947, the talk of partition overcast the sky of India. This time it was voiced by a large section of the people led by the Muslim League. The Association was opposed to the vivisection of India. Under the rule of the communally minded Muslim League, life would be unbearable for the Hindus of Bengal. When the League proved adamant in its demand for Pakistan, and adopted an intransigent attitude regarding the working of the Constituent Assembly of India, the Association at the Annual General Meeting held on March 29, 1947, adopted a momentous resolution which demanded the partition of Bengal in case India was divided. Mr. P. N. Singh Roy, O.B.E., Honorary Secretary of the Association moved the resolution. It "urged upon the Constituent Assembly and the Government of India to appoint immediately a Boundaries Commission for determining the territorial limits of the proposed provinces and to effectuate a partition before the transference of power finally takes shape." In elaborating the resolution Mr. Singh Roy made it clear that this was the only way open to the Hindus of Bengal to have a homeland for themselves, for the Act of 1935 had statutorily made the Muslims a permanent majority in the legislature and that the misrule of the Muslim League had already given them an unsavoury foretaste of Pakistan. In fine, he voiced the demand of the Hindus of Bengal for the establishment of their homeland in the Western part of the Province consisting of the Burdwan and the Presidency Divisions including

Calcutta and the districts of Jalpaiguri and Darjeeling “where they can live in perfect peace and happiness, spread their own education and culture, maintain their religion and customs, develop their industries and work for the social and economic regeneration of their new province.”

Sir Uday Chand Mahatab, Maharajadhiraja Bahadur of Burdwan, President of the Association, in a statement to the Press detailed how trade, commerce, industry and administration were getting saturated by the communal virus. At the Jatiya Banga Mahasammelan held in May 1947, Maharaja Sris Chandra Nandy of Cossimbazar, a Vice-President of the Association, took a clear stand on the question of the partition of Bengal. On June 3, 1947, came the Viceroy's announcement of a notional partition of Bengal on the district basis.

On June 11, 1947, at a meeting convened to consider the Mountbatten Plan of June 3, the Association adopted a resolution in which it urged upon the Viceroy to appoint a Boundary Commission with persons of proved integrity and impartiality to settle the line of demarcation between West Bengal and East Bengal. The Association felt sorely for the considerable number of nationalists who would still be left in East Bengal. The President of the Association Sir Uday Chand Mahtab, extended his heart-felt sympathies to them. The resolution hoped that the division of India was but a temporary phase and “that with the disappearance of third-party interference, India, at no distant date, will once again emerge united, strong and resplendent, and take her proper place in the comity of nations.”

The Government of India appointed a Bengal Boundary Commission in July, 1947, with Sir Cyril Radcliffe (Chairman), Mr. Justice Bijan Kumar Mukherjee, Mr. Justice C. C. Biswas, C.I.E., Mr. Justice A. S. Mohammad Akram and Mr. Justice S. A. Rahman (Members). In a memorandum submitted to the Commission on July 14, 1947, the Associa-



tion put particular stress upon the basic objectives of the partition, viz., to reduce the conflict and frontier dissensions, to ensure defence in depth, to leave socially homogeneous groups in either Bengal as far as possible in tact and to obtain a natural boundary, if possible. On the population basis it suggested that the non-muslims comprising 46% of the total population should have at least 46% of the total area of British Bengal to live in and 46% of the total arable land for cultivation. It suggested that starting from Jalpaiguri the boundary between the two Bengals should lie along the river routes of the Tista, the Atrai, the Shib, the Ganges, the Garai, the Madhumati and the Haringhata. The members of the Commission did not agree in full with the views submitted by the Association in its Memorandum. In the absence of any unanimity of opinion among them, Sir Cyril Radcliffe to note, disregarded most of the basic factors necessitating the partition. There was a chorus of protest against the Award but the Congress and the Muslim League were already committed to accepting it.

It was later given out that the Government of India had set up a Sub-committee to examine issues arising out of the Award. In a resolution sent to the Sub-committee the Association pointed out that the Award gave West Bengal a population less than her due, and an area even lesser than that, and permanently affected her food position, besides violating the notional division and deliberately delinking the northern portion from the southern portion of Western Bengal.

The partition of Bengal in 1905 and in 1947, raised a number of side-issues. These, in course of time, assumed grave importance and two of them, viz., redistribution of provincial boundaries and terrorism deserve special treatment.

### **Re-adjustment of Provincial Boundaries**

The Association kept an open mind on the issue of provincial frontier. It throughout maintained that provincial

boundaries should be fixed not on the ground of administrative expediency but mainly in consonance with the wishes of the people. Where the people speak the same language and strongly desire merger with their neighbour, it is only natural and proper to bring them under the same provincial administration. Accordingly, the Association strongly opposed the partition of Bengal in 1905, which, in the face of widespread public resentment, cut out a large slice of Eastern Bengal and subjoined it to Assam. The Association again was not quite happy over the manner in which Bihar and Orissa were separated from Bengal in 1911. But it was the Association again which took the lead in 1947, in suggesting a partition of Bengal which seemed the only way to end a patently communal rule. But all the while it has been advocating small minor adjustments of boundaries here and there in accordance with the wishes of the local population.

In the interest of administrative efficiency Assam was separated from Bengal in 1874, and as a separate administrative unit was placed under a Chief Commissioner. Thus constituted, Assam contained three Bengali-speaking districts viz., Sylhet, Cachar and Goalpara. The tentative proposals for partition of Bengal early in the twentieth century indirectly admitted the force of this linguistic tie and the Association's demand for their inclusion in Bengal. The partition, however, instead of doing the right thing created a new province comprising Eastern Bengal and Assam. Even when the partition was annulled in 1911, the grievances of the Bengali-speaking tracts of Assam went unheeded. The Association, however, did not give up their cause. Even during the twenties Raja Provat Chandra Barua of Gourepore, Assam, a prominent member of the Association, had been taking active interest in bringing about the retransfer of at least the District of Goalpara to Bengal, and the Association memorialised the Simon Commission urging its inclusion in Bengal in the new set up.



At the Delhi Durbar on December 12, 1911, His Majesty King George V, graciously assured that the creation of the new Presidency of Bengal would be followed by such "redistribution of boundaries as the Governor-General-in-Council, with the approval of the Secretary of State for India in Council may in due course determine. The Association thereupon submitted a representation to Government recommending the transfer to the Presidency of Bengal of the District of Manbhoom and of the Dumka and Deoghar subdivisions of the Sonthal Parganas district. Seventy-five per cent of the population of Manbhoom spoke Bengali. The court language also, unlike that in the other districts of the Chota Nagpur Division, was Bengali. Socially the people of Manbhoom were bound by the closest ties with the Bengalis. The History of the district shows that it always formed part of Bengal. The Dumka and the Deoghur Sub-divisions of the Sonthal Parganas District owed their rising towns to Bengali capital and enterprise. In the interests of efficiency of the various provincial and subordinate services, it was absolutely necessary, the Association pointed out, that the new Presidency should contain at least a few healthy stations as were to be found in Deoghur and Dumka. But Mr. Montagu on behalf of His Majesty's Government replied to Mr. McCallum Scott's question in the House of Commons to the effect that the Secretary of State for India has decided that there should be no immediate readjustment of boundaries.

It was evident, however, that the Government of India had an open mind on the subject and continuous knocking might open up a new avenue for better solution. So the Association continued to press on with the subject. Reverting to it at the Annual General Meeting of 1913, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan and President of the Association, said as follows :

"In the ordering of the new provinces of Bengal and Behar and Orissa, the wishes of the people concerned in

bringing about a homogenous form of Government by placing all the Bengalee-speaking population under one and the same administration have not, however, been sufficiently heeded, as foreshadowed in the Delhi dispatches, thus keeping the way open for further agitation and recriminations over the matter, which should have been in the opinion of competent critics closed and some finality arrived at on the point."

This demand for extension of the borders of Bengal long lay in cold storage because the Congress had unequivocally accepted the principle of formation of Provinces on linguistic basis. Territorial redistribution assumed a new urgency in 1948, when, due to partition, huge influx of Hindu refugees from East Bengal flooded the truncated province of West Bengal. In a resolution adopted at the Annual General Meeting of the Association on March 30, 1948, the Association fervently hoped that "now that the Congress Party is in power in all these provinces, its resolution on the linguistic basis will very shortly be implemented generally, and particularly in respect of West Bengal." In this connection, Sri Shyama Prosad Mookerjee of Uttarpara, a member of the Association, felt that in view of Dr. Rajendra Prosad's pronounced mental bias against reduction of the size of modern Bihar as revealed in his speech at Patna before the Hindi Sahitya Sanmilan, there was little likelihood that even the legitimate demand of West Bengal would get a sympathetic hearing. He suggested that public opinion be mobilised and that the people of West Bengal take the lead in the matter. He emphasised the urgency of this step during the pendency of the old constitution and while formation of a Committee appointed by the Congress for defining the boundaries of the Andhra Province had already been announced.

The integration of States with the Indian Union gave a new urgency to the demand for reconstruction of provincial boundaries in the South of India and the heavy burden of



refugee rehabilitation made such redistribution a vital necessity for West Bengal. The Association was glad when at the plenary session of the Congress with Pandit Jawharlal Nehru, Sardar Vallabhbhai Patel and Dr. P. Sitarammayya a three-man sub-committee was formed to consider the whole question afresh, Sir Uday Chand Mahtab, K.C.I.E., M.L.A., Maharajadhiraja Bahadur of Burdwan, President of the Association, observed in his annual address in 1949, that by cold-shouldering this demand the authorities were only creating bitterness in those who believed in the sense of justice of the all-India leaders. Referring to prevailing incidents at Purulia demonstrating the deeply provincial outlook of some high-ranking Biharis, he declared:—"I can say that it is not the inclusion of Bengali-speaking areas of Bihar in Bengal but the opposite of it that will keep in store troubles for India". The martyrdom of Sri Patti Sriramulu after a fifty-eight day fast in 1952, underlined the fact that Government had sat tight on this burning question far too long than was good for the country.

### **Revolutionary Outbursts**

Another offshoot of the partition of 1905, was political violence of the extreme type, not excluding murder, and officially described as 'terrorism'. It affected in a very large measure the whole political outlook of the country. There were many interested in the political advancement of the country and desirous of working in the open who had not roundly condemned the new method. The majority of the political stalwarts from a sense of loyalty to the Government or from conviction based on experience wanted to keep the agitation within constitutional bounds. A small minority in thorough disregard of the terrible suffering and supreme sacrifice that it involved adopted the rough and ready method of gaining independence of India through violence. The official attitude towards India's political aspiration underwent a stiff change even though Lord Minto declared that "the

just aspirations of the loyal subjects of the King Emperor" should not be "jeopardised by traitorous conspirators".

Terrorism was a hideous offspring of frustration. The unrealised dream of Independence forced open an outlet for exuberant spirit. A lull in constitutional progress was followed by recrudescence of further violence. The Reforms that were promised from time to time in dribblets failed to satisfy the growing political craving and pressing demands. Partly due to failure to assess the *raison d'être* of the upheaval and partly as a challenge to violence, the authorities in India and at Home, betrayed signs of a clenched fist and ruthless repression.

Violence begets violence and the revolutionaries noticed in the Government attitude growing symptoms of weakness and indecision and the cult of violence gained in both momentum and strength. It was prepared to allow chance to other movements eschewing violence if that would accelerate the speed towards the goal. In between the Non-Cooperation Movement of 1921, and the Civil Disobedience Movement of 1930, violence declined and thereafter, terrorism reached a new peak.

The Association which advocated constitutional methods for political progress as its creed looked upon the new order with great consternation. It was extremely sceptical about the result that might come in the wake of the terrorist movement. It held that revolutionary violence was more likely to retard than accelerate the pace of political progress of the country. Murder, to the Association, whether political or otherwise, was reprehensible as it was an offence both against man and God.

Still the Association had by no means under-estimated the depth of feeling that stirred the young revolutionaries with whom love for the Motherland was one consuming passion. The economic outlook around them was anything but bleak. Opportunity for gainful employment was avail-



able to the fortunate few. Education in most of them had widened their outlook without any chance of realisation. Education, again, had made their minds politically alert and the study of history of revolution and of successful culmination of the struggle together with the benevolent working of the western democracy had created a yearning for a Government of their own. The attitude of the rulers added to the spirit of resistance and ushered in the logical violent outburst that shocked the country. The Association did not fail to realise the force of the arguments of the militant nationalists, and it launched on an attempt to bring the errors of the course adopted by the contending parties, the Government and the revolutionaries.

The Association was now faced with an extremely delicate situation which was open to adverse comments from both sides. Because it stood for maintenance of law and order, with its implicit faith in constitutional progress, the patent criticism of subservience to the Government and betrayal of the national cause were likely to be laid at its door. For its concern for the young men of the country treated by the Government as the enemies of the Empire and worse offenders than the common felons, the Association was looked upon with suspicion by the Government.

In 1908, instances of violence became more frequent. The Association called a Conference of the leading representatives of both the Hindu and Mahomedan communities of Bengal to consider the situation and to formulate a scheme to stem the tide. On August 3, 1908, it issued an appeal to the countrymen to desist from violence under the signature of 130 leading men of the Province. On November 7, 1908, an unsuccessful attempt was made on the life of Sir Andrew Fraser, the Lieutenant-Governor of Bengal, while he was presiding over a meeting in the Overtown Hall. At the Annual General Meeting of the Association in 1909, Raja Peary Mohan Mukherjee, C.S.I., stated :

“I desire to say a word about the unrest which unfortunately prevails in the country. I do not think that the constitutional Reform Scheme, even if freed of all objectionable features, will by its operation succeed in allaying, far less in eradicating, the present discontent. I am of opinion that the poverty of the middle-classes has reached gigantic proportions and that it is a terrible evil and a real danger to the state. The poverty, I take it, is attributable to the want of remunerative employment and to the dearness of the price of foodgrains. The people of India have the good sense to appreciate that the achievements of the British in India are without a parallel in the history of civilised institutions, and they fully endorse the testimony borne the other day by President Roosevelt that the British Indian administration is ‘the greatest feat of the kind that has been achieved since the break-up of the Roman Empire’.

“But a little consideration will show that the British Government has far from justly dealt with the millions of India in the matter of enabling them to earn a livelihood. With refined notions of living engendered by contact with British civilization, but with no capital to invest in agricultural operations or in any trade or industry, the men of the middle classes in India find themselves destitute of the means of procuring even the necessaries of life. Official enquiries have led to the conclusion that more than forty million of the people live only on one meal a day. This was predicted of the agricultural population of the country; but an enquiry into the condition of the men in the lower ranks of the middle classes will, it is feared, lead to still more harrowing disclosures.

“The pinch of poverty is felt the more keenly on account of the enormous rise of the price of foodgrains and articles of daily consumption. Both on political and humanitarian grounds every endeavour should be made to keep the price of the staple foodgrains of a country as stable and free from fluctuations as possible. We find that in 1785, wheat was sold in the United Kingdom at 43 shillings per quarter, or Rs. 3 per maund, and that after slight fluctuations during the Corn Law Agitation in the fifties of the last century, the price of wheat at present in England is much less than what it was a hundred years ago. The price of wheat in 1906, was only 28 shillings a quarter or about Rs. 2 a maund.



Turning to the price of foodgrains in India at different times we find on the authority of Sir Henry Colebrooke that during the period from 1790 to 1803, the price of foodgrain varied from annas 8 to annas 12 per maund, the price of ghee was 3 annas a seer and of cattle from Rs. 4 to 5 per head. The present price of rice is not less than Rs. 6 per maund, and of ghee Rs. 1-4 per seer, *i.e.*, there has been a rise of ten times in the price of rice and five times in the price of ghee. These figures afford food for serious reflection. In the United Kingdom, where the average man is more than fifty times richer than an average Indian, the former has to pay less for his food than what his ancestors had paid a hundred years ago, whereas an Indian, with all his poverty and heavy burden of taxation, has to pay a price for his edibles which is from 500 to 1,000 per cent heavier than what his ancestors paid for the same articles.

"It is not true that India suffers on account of over-population, Mr. Samuel Laing has conclusively exploded the Malthusian theory that population tends to increase faster than food. India grows immensely more foodgrain than what she wants for her people. At one time she was the granary of the world. She supplied Egypt and other countries with foodgrains. While Parliament has taken very good care to keep down the price of foodgrains in England, the people of India have a just cause for grievance that the pinch of poverty has been allowed to be terribly enhanced by the operation of laws which should no longer be suffered to oppress the people. The time has come for a great change in this respect. The reception given by the public in England to the Report of the Poor Law Commissioners, which is just out in colossal volume of 1,238 pages, and which is most socialistic in its character, shows that people are no longer inclined to reckon poverty as a crime or to treat as social pariahs those who need help.

"I am firmly convinced that the only way to eradicate the discontent and unrest in India is to make provision for reducing the price of foodgrains and for granting loans or bounties for providing employment to those who are destitute of means. It is no doubt a prodigious work for the Government to undertake but Government has at the same time every right to expect that men of affluence should co-operate with them in the work and help to carry it to a successful issue."

Babu Satish Chandra Pal Chowdhury, remarked that repression alone, unless accompanied by the corresponding approach for conciliation, was bound to prove inadequate for meeting the situation.

At the Annual General Meeting next year, speaker after speaker attributed the origin of violence to utter poverty of the masses and urged for its early removal. Members felt sorely that repressive measures might only serve to exacerbate public sentiment in India. In view of the large number of assassinations and other outrages during the last four or five years in two Bengals, the Government of Eastern Bengal and Assam recommended to the Government of India in 1911 the imposition of restriction in respect of distribution and possession of fire arms in general and of revolvers and pistols in particular. The Association in a representation strongly opposed the idea.

In 1913, at the Annual General Meeting, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association, referred to the attempt on the lives of their Excellencies Lord and Lady Hardinge on December 23, the day of the Viceroy's state entry to Delhi. He was clear in his analysis of the result of this outrage: "Whatever may or may not have been gained by constitutional agitation, or however much we may have advanced intellectually as a race or community during recent years and by recent events, we have lost two things which none can deny: in the first place, direct contact with the Government of India and of its confidence, and secondly, the loss of prestige to Bengal by the lowering of Calcutta to a provincial capital from the proud position of the Imperial capital of British India". From the following extracts of his speech one can get an idea of how normal peaceful living was becoming increasingly impossible under the disturbed conditions. Sir Bijay Chand Mahtab felt that "Government in its anxiety to suppress the evil should not arm itself with power by legis-



lative enactment which may have the effect of confounding the guilty with the innocent ; for interested persons from low personal motives and for baser rewards in various shapes play at such critical times on the credulity of the authorities and do disservice to their neighbours.”

A series of murderous assaults followed the Jallianwalla Bagh massacre and the British adopted heartless measures against participants in the Non-Co-operation Movement of 1921. On January 12, 1924, Mr. Ernest Day in the employ of a British Commercial firm, was shot dead by a Bengali assassin who mistook him for Sir Charles Tegart, the then Commissioner of Police, Calcutta. The Association condemned the action leading to the death of a peaceful citizen.

The country was put under the rule of Ordinances. The gulf between the ruler and the ruled widened further. Hundreds of young men were put behind prison bars on mere suspicion and without trial. Exemption of the Muslims from the rigours of the provisions of the Ordinances still more embittered the feelings against the Government. Through a representation the Association drew pointed attention of the Government to the possible abuses of the Suppression of Terrorist Outrages Ordinance resulting in harassment of innocent persons. It insisted on fair and impartial treatment of all subjects irrespective of their religious persuasion.

Addressing the Annual General Meeting of the Association in 1932, Kumar Surendra Nath Law, Honorary Joint Secretary of the Association, expressed his firm conviction that the solution of the political situation was “not to be found in the mailed fist but in firm rule tempered by genuine sympathy and irreproachable justice”. In a spirit of whole-hearted co-operation he urged upon the Government to be scrupulous about the administration of emergency measures, the continuation of which could be cut short by bold, courageous and above all, sympathetic statesmanship. He submitted that Indians must co-operate with the Government so as to

demand of the Government the withdrawal of the rule by Ordinance with the least possible delay. There must be peace in the country if there was to be progress. The speaker believed that "progress was the most effective solvent of all evils, political or otherwise."

When the Bengal Criminal Law (Amendment) Bill was introduced in the Legislature, Mr. Profulla Nath Tagore, President of the Association, in the course of his address at the Annual General Meeting of 1934, earnestly appealed to the Government to see to it that the said measure did not embroil the innocent. "If success was to be attained in administration then fairest judgment and closest discrimination", he thought, "should be the watchword of every administrators."

An unsuccessful attempt was made on the life of His Excellency Sir John Anderson, Governor of Bengal, at Lebong on May 8, 1934. To check further spread of the cult of the bomb and the revolver and to devise ways and means to mobilise healthy public opinion, the Association organised a Conference of important public bodies and eminent citizens to meet on June 6, 1934. At the Conference Maharaja Sasikanta Acharyya Chowdhury of Mymensingh presided in which the following organisations were represented: Indian Association, Bengal National Chamber of Commerce, Indian Chamber of Commerce, Bengal Provincial Hindu Maha Sabha, East Bengal Landholders' Association, Sunderban Landholders' Association, North Bengal Zemindars' Association, Hooghly District Landholders' Association, Bengal Mahajan Sabha, Marwari Association and Mymensingh Landholders' Association.

By a resolution the Conference deprecated all forms of terrorism which were repugnant to the moral code of humanity. In its opinion it was bound to retard the political progress of the country. The Working Committee appointed at the Conference organised an All-Bengal Anti-terrorist Con-



ference on September 15 and 16, 1934, in the Town Hall of Calcutta, under the presidentship of Mr. J. N. Basu, M.L.C.

Invitation to attend this Conference was extended to the Principals of Colleges, Headmasters of Schools, Municipalities, District Boards, Local Boards, Landholders' Associations, political bodies and Chambers of Commerce all over the province. The following among others attended the Conference :—Mr. J. N. Basu, Mr. P. N. Tagore, Raja Bahadur Bhupendra Narayan Sinha of Nashipur, Babu Krishna Kumar Mitra, Mr. T. C. Goswami, Mr. N. R. Sarker (Mayor of Calcutta), Sir Hari Sanker Paul, Babu Hirendra Nath Datta, Mr. Debi Prosad Khaitan, Mr. Syama Prosad Mookerjee, Maharaja Sris Chandra Nandy of Cossimbazar, Mr. A. K. Fazlul Huq, Khan Bahadur M. A. Momin, Sir Badri Das Goenka, C.I.E., Sir Hasan Suhrawardy, Mr. Santosh Kumar Basu, Kumar Saileswar Singh Roy, M.L.C., Mr. J. K. Ghosal, Mr. P. N. Singh Roy, Prof. R. C. Mazumdar (Dacca), Dr. R. Ahmed, Mr. C. C. Biswas, C.I.E., Mr. J. L. Banerjee, Mr. K. C. Neogy, Mr. Ramanand Chatterjee, Mr. Srish Chandra Chatterjee (Dacca) and Kumar Surendra Nath Law. At the Conference, a resolution was adopted recommending the setting up of an appropriate machinery to bring to the notice of the authorities cases of ill-treatment or harassment suffered by individuals or communities in the course of executive action designed to combat terrorism and obtain redress in such cases. It was also recommended that the authorities before taking action under the law do take the natural guardians of youthful suspects into their confidence to enable the latter to take preventive action in time.

The Association felt that the programme of work taken up by the Conference, in which all shades of opinion and interests were represented, fell short of the exigency of the situation due to lack of active co-operation of large employers in Bengal. For, basically the problem of terrorism was the problem of lack of employment for Bengalee youths and

Bengalee labour. It was a patent fact that Bengalee boys did not find as much opportunities for employment in Bengal as people sister provinces of Bihar, U.P. and even distant Punjab.

In his presidential address in March 31, 1935, at the Annual General Meeting of the Association, Mr. P. N. Tagore called upon every Bengalee, Hindu or Mahammedan, to stand up as one man to protest against the influx of non-Bengalees into Bengal to the prejudice, and indeed, to the starvation of her own children. He also called upon the Government of the province to come to the rescue of the people and help them to save themselves in the way the Governments of sister provinces had been doing. He also appealed to the misguided youths to desist from their mad venture. Their action brought untold sufferings upon their kith and kin. Considerable governmental funds had had to be diverted from nation-building departments to track down and punish the law-breakers. The youngmen themselves who under proper guidance could become fine specimen of manly character and asset to the nation were a colossal social waste, leading a surreptitious, precarious existence. He laid particular stress on the proper interpretation of Government's policies and decisions to the public at large. In its turn the Government also must take the public into their confidence, and bring forth fundamental constitutional reforms without much delay in a spirit free from vindictiveness against Bengal.

Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, presiding at the Annual General Meeting of the Association in 1936, expressed satisfaction that Sir John Anderson's government was doing good work in finding jobs for detenus. Along with the rest of India, Bengal's problem was that of the educated unemployed. The President felt, however, that the Government's efforts in relieving unemployment were as yet inadequate. He opined that measure should



be initiated by the zemindars for developing such fallow lands as might be available for extensive vegetable gardening and other phases of specialised agriculture, dairy farming, etc. By these means the unemployed in Bengal could be provided with profitable work to some extent.

The inauguration of provincial autonomy put a quietus to political violence. The last echo of social hatred against old Imperial rule was heard on March 13, 1940, in the Caxton Hall, when an Indian by way of retaliation of the inhuman Punjab atrocities, shot at and killed Sir Michael O'Dwyer, Ex-Lieutenant-Governor of the Punjab, and accidentally hit the most Hon'ble Marquis of Zetland, then Secretary of State for India.

### **Non-Co-operation Movement**

The atmosphere in which the Reforms of 1919 were sought to be inaugurated in India was not at all congenial; the Rowlatt Bill added greatly to the prevailing tension. To give permanent effect to the punitive measures, recommended by the Sedition Committee, two Bills were placed on the legislative anvil in the Central Council. In the teeth of strong criticism of the Association and of the non-official members of the Council, the ROWLATT BILL was passed. The second Bill, known as CRIMINAL LAW (EMERGENCY POWERS) BILL, was similarly opposed by the public. The Association sent a telegram to the Government urging its withdrawal. As a concession to public opinion, the Government consented to restrict the duration of the emergency powers to three years after restoration of peaceful conditions in the country. Maharaja Bahadur Sir Prodyot Coomar Tagore, presiding at the Annual General Meeting in 1919, stated that the Bills had been received with a "chorus of condemnation from all parts of the Indian Empire."

When the British offer of political Reforms—the Montagu-Chelmsford Reforms, was rejected by the Congress on the ground of inadequacy, a momentous movement under

the leadership of Mahatma Gandhi convulsed the country to its very depths. The Association adopted a resolution advising the people not to be influenced by the idea of Non-Co-operation. The Association did not think that it was a worthwhile political method to pursue. On the other hand, the Association sincerely believed that much would come to India if Indians worked out the Reforms of 1919, in proper spirit.

The Association in February 1921, drew up a scheme of practical measures with the idea of forming an organisation in the mofussil “(1) to secure responsible Government within the British Empire in the shortest time possible, consistent with ordered progress and in furtherance of this object, to oppose all movements calculated to create disorder and encourage violence in the country ; (2) to help the Provincial Council to work the Reforms successfully and thereby to improve the economic and sanitary condition of the people and to spread education.

On the day of landing of His Royal Highness the Prince of Wales (later Edward VIII) on the soil of India, viz., November 17, 1921, the Non-co-operators declared a hartal. At an emergency meeting of the Committee of the Association held on November 21, it was resolved to hold on November 25, a Conference of representatives of public bodies both European and Indian, in the rooms of the Association to consider the prevailing situation. At this Conference which was well represented, the leading part was taken among others by Maharaja Bahadur Sir Prodyot Coomar Tagore, Rai Chunilal Bose, I.S.O., the Sheriff of Calcutta, Mr. A. K. Fazlul Huq and Babu Jogendra Nath Mukherji.

On March 31, 1922, at the Annual General Meeting of the Association, referring to the Non-Co-operation movement and the arrest of Mahatma Gandhi, Maharaja Bahadur Sir Prodyot Coomar Tagore while freely admitting that “he is a spiritually-minded man and inspired by lofty ideals” gave it



as his opinion that "his policy and preaching have been prolific of disastrous consequences". Paying a tribute to Mahatma Gandhi's ideal, the President concluded: "His ideal is unattainable in this imperfect world of ours."

In delivering his presidential speech at the Annual General Meeting on March 31, 1922, Maharaja Sir Manindra Chandra Nandy of Cossimbazar foresaw the excesses inherent in the Non-Co-operation movement and observed as follows :

"The spirit of unrest, the spirit of revolt, is abroad, and more heavy wine has been drunk by the people than is good for their system in our tropical climate. The legend of a changeless East has now given place to the spirit of a race horse trying to surmount hurdles at a break-neck speed. It is difficult to prophesy where these revolutionary movements are likely to lead us to".

Analysing the causes of the gathering strength of the movement, the Association found that its root lay in the disaffection in the mass mind, widespread poverty due to high prices and broad economic facts. It believed that "by healthy and constitutional agitation and criticism" Indians can force the rulers to accord to all Indian problems the very earnest attention which they unquestionably merit, towards the progressive development of industry, commerce, education, sanitation and other cognate subjects."

The movement in 1922, appeared to have lost all its force. With significant developments in Turkey and Angora and Smyrna the back of the Pan-Islamic Khilafat agitation was broken. The Khalif abdicated all his spiritual and temporal powers. Throwing off the mask as a common cause and one nationhood, Indian Mussalmans swung back to the other end of the pendulum and made the European their fastest ally. A very large number of political prisoners were released. The propaganda for the boycott of educational institutions, of the Courts and the Councils and for the abandonment of titles and services under the Crown did not come up to expectation.

Indeed, a powerful wing of the party hitherto supporting Non-Co-operation found out the glaring indiscretion in letting the Councils alone, and made strenuous efforts to stage a come back.

Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Cossimbazar, President of the Association, made an unbiased appraisal of the movement and remarked that the Non-Co-operation propaganda had not altogether been "a barren and sterile movement". It had developed political individuality and helped to awaken our national self-respect and to develop a programme of self-help. The President recounted the merits of the movement in its success "in reducing the nation's drink bill and its law expenses", in increasing "our respect for our womenfolk" and in drawing attention to the "lowly condition of our depressed classes". It guaranteed a movement "to remove at all costs the conditions of unequal citizenship under which Indian emigrants in many of the self-governing dominions now live and suffer".

In 1922, thanks to the efforts of Lord Inchcape's Committee and the Provincial Retrenchment Committee, Bengal was no longer wallowing in financial morass. It was hoped that with the finances and credits of the Government restored, agitation for carrying out large scheme for promotion of education and for the development of public health, sanitation and industries would receive greater attention from the Government.

At the Annual General Meeting dated March 28, 1924, the Maharaja of Cossimbazar congratulated the Government of Bombay on their having unconditionally set at liberty Mahatma Gandhi "who is literally worshipped by a large section of my countrymen and we all pray that this illustrious son of India may be soon restored to health".

### **Hindu-Muslim Question**

The bane of Indian politics in the first half of the twentieth century was the Hindu-Muslim difference of opinion on



the future progress of the country. Differences and disagreements may be a sign of life, a proof of virile and independent thinking, but there is no denying the fact that in the life of a nation its emergence in a militant form is bound to lead to weakness. In the period under reference there was hardly a subject in human society that did not receive a communal twist and become a bone of contention that baffled solution.

The Hindus were the first to drink deep at the fountain of English literature and politics and to start constitutional agitation on approved democratic lines. They did not care to reach and influence the less fortunate but the more numerous section of the population, viz., the Muslims, and to explain the aims and objects of the movement to them or to take them along the march. Its remissness supplied a fruitful and potent cause for misunderstanding, and the "third party" made the best use of the situation by tilting the balance now in the favour of one and next to that of the other. The communal mistrust was kept alive to the great advantage of the ruling power. The Indian Muslim assumed an attitude of indifference to India's political aspirations, and the more strongly the Indian leaders pressed for political emancipation the more easy it was for the interested party to infuse the idea of Hindu domination in the mind of the Muslim uninitiated into the intricacies of statesmanship. Later on, the crafty amongst the Muslim politicians cleverly wielded the double edged sword of extorting special concession both from the Hindus as well as the Government.

The Association did not like the utter contempt of Muslim opinion which Hindus leaders revelling in idealism displayed during the partition movement. Equally strongly the Association objected to unnatural concessions to the Muslims, or indeed to any other section of the body politic, whether it came from the British authorities in the shape of communal electorate or from the Indian political parties in the shape of acceptance of the Communal Award or the

partition of India. Indeed, from the very start the Association had been warning against this unjust pampering in which it clearly saw the beginning of a permanent cleavage in the body politic of India. The Association's worst fears came true in the partition of India and at least of the two major provinces.

The Association had throughout extended its support to the just demands of the Muslims. While it strongly opposed formation of constituencies on religious basis in the larger interest of the country, it stoutly championed the Muslims' case for a fixed percentage in the public services for them. Above all, whenever communal frenzy darkened the sky of India, the Association spared no pains to bring the warring communities together by providing them with a common forum, where, across the table, they could overcome the heat and passion of the day and talk things over in a sober atmosphere.

Communal riots broke out in a virulent form in Calcutta on April 3, 1926. It lasted for a week in the first instance and after a lull for a week it reappeared with a greater fury. The Association requested Sir Hugh Stephenson, Home Member, Government of Bengal, by telegram to take prompt action to stop the riots. The Honorary Secretary of the Association, Sir Provash Chunder Mitter, C.I.E., M.L.C., and the Honorary Assistant Secretary Lieut. Bijoy Prosad Singh Roy opened negotiation with the leaders of both communities so as to compose the acute communal differences then raging. A Conference was held in the hall of the Association on April 30, 1926, under the Chairmanship of the Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O., Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.I., Maharajadhiraja Bahadur of Burdwan, President of the Association, took a prominent part in the Conference. He was criticised by some Hindus for the liberal attitude he took on the question of music before mosques. Among those who spoke



on the subject before the Conference or attended it were Sir Abdur Rahim, K.C.S.I., Pandit Madan Mohan Malaviya, Moulana Abul Kalam Azad, Sir Provash Chunder Mitter, Kt., C.I.E., M.L.C., Raja Manilall Singh Roy, C.I.E., M.L.C., Dr. Dwarka Nath Mitter, Mr. Krishna Kumar Mitter, Editor, *Sanjibani*, Mr. H. S. Suhrawardy, Dr. Abdulla Suhrawardy, Mr. J. Choudhuri, Pandit Shyam Sunder Chakravarty, Editor, *Servant*, Mr. Bepin Chandra Pal, Sir A. H. Ghuznavi, Mr. G. D. Birla, Lieut. Bijoy Prosad Singh Roy, M.L.C., Mr. C. C. Biswas, Mr. J. M. Sen Gupta, Mayor of Calcutta, Mr. D. P. Khaitan, Mr. Mrinal Kanti Basu, and Mr. Santosh Kumar Basu. The Conference resolved that appeals should be issued separately but simultaneously by the leaders of the two communities to stop fighting. Members of each community were to be requested not to interfere with the religious rights of the other. The masses were to be impressed on the necessity of maintenance of good relations between the communities. A Conciliation Board was constituted taking twenty members from each community with Mr. S. M. Basu and Lieut. Bijoy Prosad Singh Roy, Hony. Assistant Secretary of the Association, as Joint Secretaries of the Board. However, it received indifferent assistance from the Mahomedan leaders and failed to realise any tangible result. The atmosphere was thick with rumour of a further flare up.

Under the leadership of Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, a deputation waited upon His Excellency the Governor of Bengal on May 17, 1926. The deputationists discussed the question of descretion of temples and breaking of idols in the moffussil and also the question of taking away of lathis by the Police from a particular community and the distribution of inflammatory leaflets.

On the subect of music before mosques the Association pointed out that the rights of the Hindus were based on the scripture and supported by immemorial customs, whereas Moslems had but recently put forward the new demand.

Government at the time made a rule regarding the issue of licenses for procession with music through the streets of Calcutta. The Association organised a Town Hall meeting on July 4, 1926, under the presidency of Mr. J. N. Basu, to protest against this restriction on Hindu religious procession on public streets. The meeting was very largely attended.

At a well-attended Conference of representative Hindu leaders held in the Hall of the Association on July 27, 1926, the Association invited the Hon'ble Sir Bhupendra Nath Mitra, K.C.I.E., O.B.E., a Member of the Governor-General's Executive Council. Proceedings of the meeting were strictly confidential. Sir Bhupen, however, informed the meeting that he had proposals from the Moslems in which they wanted to classify mosques in three categories on the basis of whether it was in Moslem dominated area, mixed area or Hindu dominated area. In respect of the first, music should be stopped at all hours of the day ; in the second, for five hours only at prayer times ; and in the last, for one hour and forty minutes during the course of the day.

On August 4, Government passed orders under Sec. 144 Cr. P.C. prohibiting Pandit Madan Mohan Malaviya and Dr. B. S. Moonje from entering Calcutta for a period of two months. In a telegram to the Private Secretary to His Excellency the Governor at Darjeeling and to the Hon'ble Sir Bhupendra Nath Mitter at Simla, the Association objected to the order on the ground that its execution might lead to disturbance and also hamper the working of the Conciliation Board. Government did not arrest the two leaders when they entered the city.

At the Annual General Meeting of March, 1927, Sir Bijay Chand Mahtab, President of the Association, revealed that the stifling atmosphere in the country, with attempt to belittle the Reforms and peculiar stand on communal electorates were getting on his nerves. This atmosphere not only bred racial animosity between the two communities in India but sowed



the seeds of discord and distrust between the Britishers and the Indians. The long-cherished ideal of the Association for better understanding between them was noticed receding-backwards.

During the communal riots in April 1926, S. Jatindra Nath Sur and Srijut Chandra Kanta Dev bravely laid down their lives in defending some respectable families in Mechua Bazar Street. From among its members the Association raised the sum of Rs. 2,074 and the Indian Association sent in Rs. 24. The amount later totalled over Rs. 2,500. On May 13, 1927, the Association made over a sum of Rs. 1,200 in Government securities to Babu Shyamadas Sur and Dharendra Nath Sur, legal beneficiaries of the late Jatindra Mohan Sur. In like manner, Government securities of the face value of Rs. 1,300 was endorsed in the name of Sm. Bindubasini Dev, who was the legal heiress of Surjit Chandra Kanta Dev.

### Communalism

Speaking on the subject of communal electorates then prevalent in the country, Maharaja Bahadur Sir Prodyot Coomar Tagore, while presiding at the Annual General Meeting of the Association in 1926, observed that the system helped only to perpetuate the worst form of communalism. It stirred up baser feelings that find expression in open strife and discord. He opined that the only remedy lay in a system of joint electorates.

When the Round Table Conference seemed to tumble over the rock of communal claims and personal prejudices, the Raja Bahadur Bhupendra Narain Sinha, M.L.C., of Nashipur, then President of the Association, arranged for a meeting of the leading citizens. At this Conference the Association was represented by Raja Bijay Singh Dudhoria of Azimganj, Kumar Kartick Churn Mullick, Maharaj Kumar Uday Chand Mahtab of Burdwan and Sree Tarak Nath Mukherjee. The Association's direction to its representatives

was to stick to the All-India Landholders' statement prepared by the Association, and in the event of a break-down of talks on those lines to agree to 50% of the seats for each community. The Association in a telegram requested Sir Provash Chandra Mitter, Mr. J. N. Basu and Dr. Narendra Nath Law, Hindu representatives of Bengal on the Round Table Conference, to bring about a settlement in terms of Joint Electorate in general constituencies with seats up to 50% for each community.

That the same year communal riots broke out in Dacca and Kishoreganj. In a resolution which was forwarded to the Governor of Bengal, the Association urged upon the local authorities to deal sternly with the miscreants and stop the spread of wild rumours. It complained of Police indifference and requested the Governor to set up immediately a Committee of Enquiry composed of officials and non-officials. When in 1932, Mr. Satyendra Kumar Das, M.L.C., brought forward the Bengal Disorders Compensation Bill, seeking to compensate sufferers from acts of unlawful assemblies including those of a communal nature, the Association supported it on principle, while pointing out its practical difficulties.

### **Mass Conversion**

At the Calcutta Khilafat Conference held in January 1936, the Nawab Habibulla Bahadur of Dacca openly advocated the policy of mass conversion of the Harijans to Islam. Indeed, he regarded the present situation as providing a great and golden opportunity for the Islamisation of Harijans. In his speech at the Annual General Meeting dated March 30, 1936, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association, was constrained to say that a scion of the house of Ghani Mia should not speak those unworthy words. He also uttered a note of warning to the caste Hindus for the strength of



Hinduism lay in bringing within its fold, and not alienating the sympathies of the so-called depressed classes and castes.

The reforms of 1935, made the agitation on the Communal Award more intense. Hindus all over the country felt that they had been badly let down and a great political injustice had been done to them.

### **Recruitment in Public Services**

A non-official resolution was adopted late in 1937, in the Bengal Assembly, dominated by the Muslim League, fixing the percentage of recruitment to the Public Services at 60% for Muslims, 20% for Scheduled Castes and 20% for the rest, including the minorities, caste Hindus and so on. Sir Bijay Chand Mahtab, President of the British Indian Association, moved in the matter and sought the opinion of the public bodies and prominent men of the Province on this resolution. The opinions submitted by the Municipalities, District Boards, other Local Boards, associations and public men of Bengal showed that 79% were against the resolution, 15% for it, while the remaining 6% did not commit themselves any way. The majority were in favour of open competitive examination without any reservation, though a considerable section favoured competitive examination with reservation of posts on the basis of population *cum* educational attainments. Arguing that this reflected the true public opinion of the country, the Association in a resolution dated January 13, 1939, maintained that recruitment in public service should be by free and open competitive examination for all to make the administration able, efficient and trustworthy.

### **Hindu Sangathan Movement**

In 1939, there was a revival of the Hindu Sangathan Movement in Bengal. The Hindu Mahasabha and the Government of Bengal representing the Muslim League interests came into open conflict and the Government's softness for the Muslim could be judged in the context of the

new Calcutta Municipal Amendment Act which curtailed the civic rights of the Hindu rate-payers. However, the attempt of rapprochement between the Hindu and Mahomedan communities still continued in this cheerless atmosphere. The Association gave expression of its sympathy with the object of removal of the Communal Award when a silent proposal was recorded by observing on August 17, 1940, as a "Day" for the purpose, by the Hindu citizens of Calcutta under the auspices of the Congress Nationalist Party. On August 27, an Anti-Communal Award Conference was held in Calcutta and to this the Association extended its active support by calling upon its members to be members of the Reception Committee of the Conference. A good many of them acted according to the advice of the Association.

### **Census and Tabulation**

Sometime in 1940, the Government of India suggested the abolition of tabulation of population by caste in the Census Report. The Association, in a representation, objected to this proposal, on the ground that it would remove not only a reliable record of the numerical strength of the different castes to the students of sociology, but would be ignoring the existing structure in society which followed a specific code in the matter of inter-mixture of different castes and sub-castes under a community. Indeed, the Association apprehended that once such tabulation was stopped, it would be easier for the Government to impose discriminatory laws upon caste Hindus as against the Depressed Classes and may be against the Hindus in general as against the Muslims.

### **Direct Action Day**

The Communal Question which was being skilfully evaded and was never squarely faced took a sharp turn for the worse in 1946, especially under the League Ministry of Bengal. The Hindus, in every walk of life, became nervous about their future. The political impetuosity of the Moslem League culminated in the observance in Calcutta of August



16 as Direct Action Day. Carnage, arson, rowdyism and offences against men, women ran rampant throughout the city. On August 26, the Association drew the attention of His Excellency the Viceroy, then on a short visit to Calcutta, to the general laxity in administration, in the action of the Police and the incompetence of the Governor to act in conformity with his special responsibility. It suggested, in the first place, the apprehension of all guilty persons and the immediate appointment of an impartial committee of enquiry comprising the Chief Justice and two other judges of the Federal Court as measures preliminary to the restoration of peace, confidence and tranquility in the city.

### **Posting of Police Officers**

In a letter to the Governor of Bengal on September 11, the Association drew his attention to the posting of Muslims as Deputy Commissioners of Police in increasing number to the various parts of the city. This was sufficiently an alarming news to the Hindus. The Hindu public largely expected the continuance of the presence of the military in the city till the end of the important Hindu and Muslim religious festivals. A deputation on behalf of the Association awaited on His Excellency Sir Frederic John Burrows, Governor of Bengal, on September 20, 1946, and submitted a memorandum\* dealing with the proper policing of greater Calcutta, round-up of bad characters, granting of licences for fire arms, State recognition of the good work done by the Defence Parties and Peace Committees and the panic caused by indiscriminate arrests of the Hindu and confiscation of their fire arms. The deputation was composed of Sir Uday Chand Mahtab, K.C.I.E., M.L.A., Maharajadhiraja Bahadur of Burdwan, Maharaja Sris Chandra Nandy, M.L.A., of Cossimbazar, Sir Badridas Goenka, C.I.E., Dr. Narendra Nath Law, M.A., P.R.S., Ph.D., and Mr. P. N. Singh Roy, O.B.E.

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\* *vide* Appendix 1.

### **Calcutta Disturbances Enquiry Commission**

Accepting the suggestion of the Association, the Governor of Bengal appointed the Calcutta Disturbances Enquiry Commission with Sir Patrick Spens, Chief Justice of the Federal Court, as Chairman. There was some suspicion that evidence tendered before the Commission might be tampered with and the Association on a suggestion from Mr. P. N. Singh Roy, Honorary Secretary of the Association, decided to submit its evidence before the Commission in collaboration with the Committee constituted on behalf of public under the Chairmanship of Mr. N. R. Sarker.

### **Central Intervention**

As stray incidents still continued in the city of Calcutta long after the Direct Action Day, the Association in a letter dated September 28, 1946, to the Hon'ble Sardar Vallabhbhai Patel, Home Member, Government of India, invoked the intervention of the Centre as the Provincial Government had utterly failed to carry out their primary responsibility in maintaining law and order.

### **Central Cabinet**

Though objecting to certain particulars the Congress accepted the basic plan of the Cabinet Mission and on September 2, 1946, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Mr. Sarat Chandra Bose and Dr. Rajendra Prosad, topmen of the Congress, took over office and ended the caretaker administration at the Centre. Subsequently in October the Muslim League accepted office at the Centre, though they were in no mood to work the Mission Plan, and indeed continued to boycott the Constituent Assembly which started functioning since December 1946.

### **Noakhali Disorder**

Hardly had Calcutta recovered from the effects of the stunning blow of the Direct Action Day, communal fanaticism



of a most violent type broke out in October in Noakhali and Tipperah. In a letter to the Secretary to the Governor of Bengal on October 19, the Association regretted that the Governor's failure to take precautionary measures in the Bengal Districts was responsible for this tragedy in Noakhali. On October 23, the Association drew the attention of the Governor-General of India in very strong terms to the facts of the Bengal situation.

The question of resettlement of the abducted, forcibly married and converted women to Hindu Society now cropped up. In the course of a statement to the Press, Mr. P. N. Singh Roy, Honorary Secretary of the Association said :

“No stigma attaches to women who were carried away by hooligans ; the stigma is ours. It is up to us that we should go out and rescue those women and give them a place in our hearth and home with honour.”

### **Relief Measures**

The Association engaged itself, at this time, to the collection of funds in aid of persons affected by the communal disturbances in Calcutta, Noakhali and Tipperah. To the Noakhali Evacuee Relief Fund organised by Mr. Sarat Chandra Bose and others, the Association contributed Rs. 1,535. It set up a special rehabilitation sub-committee for the relief and re-settlement in West Bengal of the riot-affected Hindus. The Sub-committee consisted, among others of Mr. S. K. Mitter, Mr. Nityanarayan Banerjee, Kumar J. C. Sinha and Mr. P. N. Singh Roy. Some of the landlord members from West Bengal led by the President, Sir Uday Chand Mahtab and Raja Bahadur Bhupendra Narain Sinha of Nashipur, came forward to settle evacuee belonging to the agricultural class on their own lands.

### **Bihar Outbreak**

The communal violences in Bihar broke out as a sequel to Noakhali. The Association was glad that unlike Bengal

ministry, in seven days only the Bihar Government got the situation well in hand. It sympathised in a resolution with the unfortunate victims of communal riots all over India and of Calcutta, Noakhali, Tipperah and Bihar, in particular. It stressed that "the majority community in all Provinces should remain alive and alert to the protection of minorities." It suggested that there should be an embargo on the importation, sale and exhibition of any lethal weapon and that all dealers of such weapons should notify their stocks forthwith to Government and cease to bring any further consignment. It recommended the setting up of representative Committee of Hindus and Muslims separately, with the privilege of their access to the Governor of Bengal, and urged that a machinery be set in motion for the dissemination of correct and helping the Relief Committees in feeding and repatriating the refugees.

There was a rumour that against the wishes of Sri Srikrishna Sinha, Chief Minister, Bihar, some highly placed Muslim officers of the Government of Bengal had been making a move to resettle Bihari Muslims in pockets of West Bengal at the instigation of the Bengal Muslim League Relief Committee in Bihar. The Association deprecated this move, for Bengal had already been suffering from over-population, and requested the Governor of Bengal that in the interest of tranquillity in western Bengal, this baneful activity be stopped. In a similar letter to the Chief Minister, Bihar, the Association expressed its objection to the importation of those harassed Biharis to the Hindu majority areas in the districts of West Bengal.

### **Central Peace Committee**

To rehabilitate the riot-torn people of Calcutta, the Central Peace Committee set upon the task of raising a crore of rupees and under the signature of Sir Uday Chand Mahtab, President of the Association, a circular was issued to all



members calling upon them to contribute generously for this laudable object.

### **Mass Migration**

After partition, India was threatened with large scale migration from across the borders. So far as the migration from West Punjab, North Western Frontier Provinces and Sind were concerned, "India carried out with dignity, impartiality and promptness the herculean task of repatriation of millions of victims of communal frenzy—a transfer problem that had no parallel in world history." Though Bengal in those dark days held aloft the bright beacon-light of communal amity under the influence of Mahatma Gandhi, the prospect of a sudden mass influx was not altogether discounted. Anxious enquiries for land for settlement of some of the Hindu inhabitants of Eastern Bengal who in near future might have to leave their hearth and home for Muslim tyranny in East Bengal came to the Association from many quarters and particularly from the Bhola Sub-division of Eastern Bengal. Despite the comforting assurances given to the minority by Mr. Jinnah, the Association in a circular on September 9, 1947, requested its members to intimate to it the assistance in the shape of building materials and land for homesteads and cultivation they could extend to incoming refugees. Led by Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association, some other members earmarked a portion of their khas lands for settlement of the East Bengal Refugees. The influx of Hindu minority to West Bengal and Calcutta in particular exceeded the worst apprehensions. The Association in a resolution adopted at its Annual General Meeting on March 30, 1949, deplored this colossal move on the part of East Bengal Hindus, as it would spell their ruin, the ruin of their kith and kin and cause grave danger to both West and East Bengal. It appealed to Eastern Pakistan Government "to take immediate steps to improve the situation in a

manner that may restore confidence in the minds of the minorities once again." It moved the Government of India "for substantial subventions to the Provincial Government to meet the unforeseen expenditure on refugees."

### **Reprisals**

Early in 1950, news of perpetration of barbaric atrocities on the Hindus of East Bengal trickled down to Calcutta. Vengeance visited the innocent Muslims living in India and particularly in West Bengal almost simultaneously. In addressing the Annual General Meeting of the Association in March 31, 1950, Sir Uday Chand Mahtab, K.C.I.E., M.L.A., Maharajadhiraja Bahadur of Burdwan, referred to this devilish competition in brutal conduct. His pronouncement on this important occasion was :

"When vast masses of mankind are made to suffer serious indignities and atrocities and are uprooted in thousands from their hearth and home, surely the Government of the land cannot on any plea absolve themselves of their responsibilities in the matter. Private retaliation of such vast human misery in one State or the other may be understandable, but is certainly reprehensible. I detest such actions ; and I think the West Bengal Government deserves public praise for the strong measures they have been taking to put down communal violence here. . . . . I hope that a permanent and peaceful solution of the problem will be achieved, and this will come when the common masses of men in India and Pakistan sincerely believe that the minorities in their respective territories are their special charge whom they can victimise only to invite the peril of their State. Senseless retaliation is worse than cowardice, and, may I say, treason against the State."

### **Hindu-Muslim Question**

On the Hindu-Muslim question the Association had advocated even-handed justice to either community. It had



implicit faith in the ultimate good in Indo-British relations of cordiality and mutual dependence and had worked to place it on a permanent footing. It had upheld the principle of equality of political status between the whites and the non-whites and where there had been violations of this principle it promptly protested with all the emphasis at its command.

### **Indian Immigrants**

In other British Dominions or dependencies the treatment meted out to persons of Indian origin was shabby, and humiliating to the extreme. The Association urged the Government of India repeatedly to take necessary strong action to improve the lot of Indian immigrants to South Africa and elsewhere, and thus lend moral strength to the efforts of Mahatma Gandhi who was fighting an unequal battle in his inimitable non-violent way in that far-off country.

### **Indian States**

The Association resented the Government of India's encroachment on the special preserves of the Indian States. It always stood for as much of the sovereign rights of the Indian States and the special prerogatives of the Rulers as was possible under the circumstances. Naturally, it considered the Rulers as the last vestige of by-gone independence of India at a time when large parts of India had passed under the British administration and many other parts were nervously awaiting the same fate.

### **International Outlook**

The Association's open international outlook greatly reflected the currents of thoughts of different nations which released such militant international forces as socialism and communism on a large scale, as also such steady and persistent efforts at international co-operation as the League of Nations.

The peculiar position of Indian in the world of thought that had endowed the individual citizen with an enormous sense of rights and responsibilities was given the fullest appreciation by the Association. Its Annual Reports came to be regularly prefaced with a short description of the thoughts and events national or foreign, that had outstanding contribution in moulding the thoughts and activities to a particular pattern.

### **The British Rulers and the Association**

The death of Her Majesty Queen Victoria, on January 22, 1901, was condoled by the Association. At the Coronation ceremony in England of King Edward VII, Maharaj Kumar Prodyot Coomar Tagore, Honorary Secretary of the Association, represented the city of Calcutta. On the occasion of the visit in 1805, of the Prince of Wales and in 1911, of King George V and the Queen, the Association joined other organisations and the public in according them a fitting reception. The death of King George V, accession and abdication of King Edward VIII, and the Coronation and death of King George VI evoked appropriate sentiments in the Association.

### **Governor-General and Governors**

Further, at the time of appointment of the Governor-General or their retirement the Association usually presented them with an address to such of them as had largely contributed to the fulfilment of Indian national aspirations.

During the eighty years of its existence, the Association for the first time had the honour to have the Viceroy Lord Irwin exclusively as its honoured guest at an Afternoon Party on December 27, 1930, at the Bijay Manjil, the Calcutta residence of Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan. Amongst those present were His Excellency and the Hon'ble Lady Jackson, Lord Hardinge, Ex-Governor-General and the Hon'ble Anne Wood.



In like manner, as a matter of long-standing practice, the Association organised reception parties or gave farewell addresses in honour of the Governors of Bengal.

The appointment of an Indian as Governor of Bengal in 1947, was welcomed by the Association. It arranged an evening party on December 3, 1947, in the Hall of the Association to meet the new Governor, Shri C. Rajagopalachari. The elite of the society were presented on the occasion.

### **Racial Discrimination**

It had consistently supported a complete understanding between India and Britain, yet it has also been a fearless critic of racialism that had been a bane of good relations between the people of the two countries. In earlier part of the century the acquittal on appeal to the Calcutta High Court of Mr. Bain, Assistant Manager of a Tea Garden in Cachar, convicted for causing death and grievous hurt to coolies under inhuman circumstances, shook public confidence in Mr. Justice Sale's judicial capacity. The Association demanded that a European when accused by an Indian should in the interest of justice be tried by a mixed jury of Indians and high class Europeans, who must be outside the pale of influence of the European accused. Racialism raised its ugly head again when in 1927, the Government of Bengal under pressure from the European Association and the Indian Tea Association intended to remove the fully qualified Indian Resident Surgeon of Eden Hospital, on the sole ground of his pigment. The Association took up the case. The Government found out its error and decided later to retain him in his post and appointed a European member as Second Resident Medical Officer.

### **Indentured Labour**

The indignities heaped upon Indian indentured labour in British Colonies and Protectorates including Natal convulsed national feelings in India. The Association expressed its

appreciation on the Hon'ble Mr. Gokhale's speech in the Central Legislative Council on February 25, 1910, in which he recommended the prohibition of recruitment of indentured labour in British India for Natal. The Association warmly welcomed the amendment to the Indian Emigration Act which invested the Governor-General-in-Council with authority to prohibit with effect from July 1, 1911, the emigration of indentured labour to Natal. On a suggestion from the Marwari Association, the Association submitted to the Government points for amending the Emigration Act in order to provide for the appointment of non-official visitors to emigrant cooly depots in Calcutta with a view to checking fraudulent recruitments. A Special Annual General Meeting of the Association in 1914, expressed the opinion of the Association on the matter. It ran thus :

"With regard to the British Indian settlers in South Africa, we are all struck by the admirable and successful championship and the determined and bold front displayed by Mr. Gandhi and his party for the cause of humanity and justice to remove their serious grievances. The able and determined advocacy of the Indian cause by our popular Viceroy and the Hon'ble Mr. Gokhale brought about results which speak for themselves. Our sincere congratulations are due to Sir Benjamin Robertson and to the members of the Commission for their frank, fair and impartial report in advocating the abolition of the £3 tax (drove men to commit crimes and to live a life of shame), and relaxation of certain vexatious restrictions on Indian visitors to South Africa and a South African Indian leaving the country temporarily."

In reply to a reception extended to him by the Association in 1921, Lord Reading, the then Viceroy and Governor-General of India, expressed his

"complete sympathy with those who think that a British Indian subject of the King Emperor, when he goes to British Dominions or Possessions under the rule of the same King Emperor, is entitled to carry with him the status of a British subject, and to ask that this recognition should be given to him as it is given to those who actually reside there."



Here was complete vindication of a stand taken by the Association throughout on the subject of the Indians abroad.

In 1921, another amendment to the Emigration Act was introduced in the Central Legislature. The Association *inter alia* suggested that the best thing would be to prevent, not permit, the emigration of indentured labour. Under the Rules as finally adopted Mr. T. P. Ghose was nominated to represent the Association on the Visiting Committee.

India entered the War in 1914, with high hopes. The Association thought that victory of the Allies would lead to "betterment of India and her people in some tangible shape". Presiding at the Annual General Meeting in March 1917, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, sensed that a new awakening had come upon India and that England was "stretching out her hand in right earnest to help India to take her place, which she must eventually claim." On the termination of hostilities, the Association was represented by Maharaja Bahadur Sir Prodyot Coomar Tagore, President of the Association, on the Committee appointed by the Government of Bengal to consider the form of Peace Celebrations in Calcutta.

### **Ideological Advancement**

World War I infused a new life in socialistic doctrines. The Association kept touch with these ideological developments as they arose or underwent various modifications. Even before the war had broken out, in March 1913, Babu Raj Chunder Chunder made a speech on the trend of socialistic legislation in England in the course of a discussion at the Annual General Meeting of the Association. The British Chancellor of the Exchequer, the Right Hon'ble Mr. Lloyd George, had intimated that his next legislation would be on land, and he expected that it would be for nationalisation of land. There was no knowledge, Mr. Chunder said, when the waves of such legislation would reach Indian shores.

The country, he hoped, would not fail to take note of such broad trends betimes.

A Labour Ministry came into power in 1923-24, for the first time in the history of England, but it was the Liberal leader who held the whip-hand and Mr. Macdonald, though he occupied the seat of the mighty, did not enjoy freedom. The Association noted that the new Ministry reflected little change in the policy of the British Government towards India.

In the years following the termination of World War II, the ideological conflict between international communism and the Free World took suddenly a belligerent mood when the balance of power in Asia was violently disturbed by China turning Red and joining the Soviet Block. As we shall see below the Association remained quite conscious of these fast-moving changes.

### **The Foreign Relations Bill**

In 1913, when popular discontent against Governmental repression had been mounting, a Bill was brought forward in the Central Legislature which aimed at cutting short international exchange of idea in India. The Association considered the provisions of the FOREIGN RELATIONS BILL to be too drastic a measure to involve a check on the freedom of the Press and of the speech, to the detriment of free exchange of ideas, based upon moral and intellectual conviction.

### **Indian States Protection Bill**

With a view to protecting the Indian States from propaganda directed from British India against their administration, Sir Harry Haig, Home Member, introduced the INDIAN STATES PROTECTION BILL in the Central Legislative Assembly in 1933. The Association observed that such protection should be reciprocal so that British India might be spared insidious propaganda carried on from the sanctuary



of the States. It clearly stipulated, however, that the provisions in the Bill regarding press criticism in British Indian territories should be liberalised.

The World War II witnessed greater awareness on the part of the Association of the dominant forces of the world. Germany started a war of aggression upon Poland on September 1, 1939. Great Britain to redeem her solemn pledge went to war against Germany on September 3. On the 4th, the Association adopted a resolution urging all to unite in offering their services for the defence of the State and for the protection of their homes and families against any possible air-raid. A public meeting with representatives of all sections of the Indian community, was held in the Hall of the Association on September 5, 1939, to consider the situation brought about by the declaration of the war by England. Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association, and Mr. P. N. Singh Roy, Joint Honorary Secretary, took active interest in the movement for the formation of the Bengali Regiment. The declaration of war by the Government of India against Germany, however, necessitated a new turn in Congress strategy. Congress ministries in the different provinces resigned *en bloc*. This step, however, had no noticeable effect in Bengal owing to the domestic quarrels in the Bengal Congress group. The breach of the Provincial Congress Committee with the Working Committee of the Indian National Congress was nearly complete.

India in common with every other member of the British Empire was immensely interested in the issue of the War, and endeavoured to render all possible help towards the successful termination of it. The Indian National Congress offered individual civil disobedience as a protest against India's participation in the War without consultation with the Indian political leaders. During the period, the All India Muslim League was maintaining a neutral attitude, but the

vast Indian armies had been fighting in different theatres for England. Enormous sums of money raised in India and spent for the War, and numerous Indian people giving their services for the war efforts clearly reflected India's eagerness for the favourable outcome of the War. In the Provincial and District War Committees, the members of the landholding community took an active part. On June 20, 1940, at a Conference called by His Excellency the Governor in the Chamber of the Bengal Legislative Assembly, the Calcutta War Committee was formed in which the Association was represented by Dr. Satya Churn Law, Kumar Rajendra Narayan Roy, Mr. Tarak Nath Mukherjee, M.B.E., Kumar Saileswar Singh Roy, M.L.C., and Mr. Sudhansu Kumar Mitter, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, President of the Association, and Mr. P. N. Singh Roy, Honorary Secretary of the Association, were elected Chairman and Joint Honorary Secretary, respectively, of the Calcutta War Committee. The Committee were responsible for practically mobilising the non-official war efforts of the whole province. The Association in co-operation with the Calcutta War Committee held in its Hall two public meetings, one of which was addressed by Dr. H. N. Ghosal, B.A., Ph.D. (Warsaw) to educate public opinion on the war situation. The Association also contributed to the Viceroy's War Purposes Fund and called upon its members to contribute liberally to it which was duly responded.

### **Constitutional Deadlock**

The constitutional deadlock in the Congress majority provinces could not be resolved by the inadequate efforts of the Viceroy and the Secretary of State for India. No co-operation of all parties could be secured in the constitution of an expanded Executive Council, at the Centre, during the period of the War. The grant of Dominion Status on the cessation of hostilities proved to be the bone of contention so far as the Congress was concerned. The Muslim League



would not be satisfied without a dominating voice in the proposed Executive Council, and in this situation was mooted first Mr. M. A. Jinnah's fateful scheme for Pakistan, that is, for division of India. The Association greatly deplored that proposition. In the terribly bleak atmosphere of Bengal there was no hope for the emergence of a united party with a constructive programme, ready to shoulder the multifarious responsibilities of a situation brought about by the War.

The expansion of the Viceroy's Executive Council and the creation of a National Defence Council, at a grave moment, in the course of the War though considered inadequate, were considered by the Association to be steps in the right direction. The Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E. of Darbhanga, who was a member of the Defence Council, presiding at the Annual General Meeting of the Association in March 1942 observed :

"I cannot shut my eyes to the fact that in actual administration in spite of what little has been done, the hiatus between the official and non-official India is yet so great."

### **National Defence Council**

The Indian National Congress and the All India Muslim League did not extend their co-operation to the National Defence Council. The political parties, faced with a new situation in the Japanese aggression, seriously thought on presenting a united front in the crisis. But they held that without a national Government at the Centre and an unequivocal declaration from His Majesty's Government that India would get her freedom within a definite period after termination of the war, they could not issue a call to the countrymen to give their all-out help to the war efforts. The Hindu Mahasabha and the Liberal Federation also urged for such a declaration ; the Indian National Congress called off the movement of individual civil disobedience, relaxed the rigidity of the creed of non-violence and even hinted at the

possibility of full collaboration in war efforts, should a national Government, even as an interim measure during the period of the war, be set up at the Centre.

Taking stock of the prevailing political situation, Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A., of Burdwan, President of the Association, called upon the people to respond wholeheartedly to the Viceroy's appeal, for it was a time when Indians should forget their quarrel with the Britishers. It was, he said, the duty of every citizen first to get India out of aggression in the quickest possible time. Sir Kameswar Singh, Maharajadhiraja of Darbhanga, associated, himself with the above sentiment, but feelingly pointed out that so far as the landholders were concerned, "the help we give during periods of crisis is conveniently forgotten when the crisis is over and we are made a scapegoat during peacetime arrangements". "Our action is governed by our heart and not by our head," the President affirmed, "and we despise bargaining".

A resolution was moved from the chair at the Annual General Meeting held on March 26, 1942, calling upon all landholders to unite and do their best to check the Fascist war of aggression. A cable was sent to the British Premier under the signature of the Right Hon'ble Sir Tej Bahadur Sapru and other members of the Non-party Leaders' Conference at which the members of the Association figured prominently, urging an unequivocal declaration of the grant of full Dominion Status to India after the war and the entire non-officialisation of the Victory's Executive Council. Mr. Amery, the Secretary of State for India, however, did not budge an inch from the position indicated in Lord Linlithgow's offer of August 8, 1940, and the stalemate continued. However, the Sapru Scheme of constitutional reform gained considerable weight in India and Great Britain. The Association invited Sir B. P. Singh Roy, President, National Liberal Federation of India and a Member of the Association,



to read a paper on this engrossing subject of wide public interest.

### **Enhanced Taxation**

The Japanese aggression streamlined the utter insecurity of India. Year after year taxes had been multiplied and rates increased to meet Defence expenditure. Such expenditure was occasionally secured through certification by the Governor-General, yet India was told at the start of the war that she was in a state of utter unpreparedness. Referring to this, the President of the Association, Maharajadhiraja Sir Kameswar Singh, in the course of his address observed as follows :

“In my opinion, the unpreparedness is entirely due to the utter failure of British diplomacy, British secret service, and, I may add, British statesmanship. So far as India is concerned, the pernicious post-Mutiny policy of distrust is largely responsible for the happenings of to-day.”

The President suggested that instead of levying new and unheard-of taxes and over-burdening the people thereby, it would be wiser for the Government to cut down the salaries of the officials or at least to stop increments during the pendency of the war, stop expenditure on fancy projects and effect judicious curtailment of all expenses and experiments not connected with war efforts. He made it clear that criticism of Government's indiscretion should not be muzzled as an evidence of defeatism. Rather, such criticism should be welcome to the Government, because it certainly promoted ultimate victory of the cause. He was pained to find that ever since the establishment of the British Government in his country, they had been trying

“to systematically un-Indianize India. To me free India means the revival of those ideals, civilization and culture which made India great. Unity is gone and we do not know when we will get it back.”

The speaker, however, was quite sure that free India would be the best guarantee of Indo-British friendship.

“That will also put Indo-British relationship on a more secure foundation and make the world better appreciate the principles for which the war is being fought.”

The war situation grew critical for India when early in 1942, the advancing tide of military success of Japan almost touched the shores of India. There were evident signs of increasing appreciation of the critical situation by Indian political parties. But the Muslim League held fast to its new creed of Pakistan. Mr. C. Rajagopalachari broke away from the Congress so as to secure the support of the League for a national Government at the Centre for the duration on the basis of the acceptance of the demand for Pakistan.

The Honorary Secretary of the Association Mr. P. N. Singh Roy, was made an O.B.E. for rendering significant service in furtherance of India's war efforts. In a resolution adopted on July 16, 1942, the Association rejoiced at the honour done to one of its distinguished members and trusted that his great merit and sterling service would meet with increasing appreciation.

The Association organised on July 29, 1942, a public meeting at the Calcutta University Institute to discuss the critical political situation in the country under the presidency of Sir B. P. Singh Roy. The principal speaker of the day was the Hon'ble Pandit Hriday Nath Kunzru, President of the Servant of India Society.

### **National Government**

In July 1942, the Congress Working Committee in a resolution asked for the formation of a representative National Government and the setting up of a Constituent Assembly at the end of the war for the purpose of preparing an agreed constitution. It pleaded for the withdrawal of the British Rule from India on its pledge to resist the axis aggression. In August, the All India Congress Committee endorsed the July resolution of the Congress Working Committee. The



Government of India came down with a heavy hand on the Congress organisation to meet the challenge of direct action. Violent anti-government movement broke out almost immediately thereafter.

### **India and the U.N.O.**

On September 19, 1942, at a Special General Meeting the Association welcomed in a resolution India's alliance with the United Nations which it hoped would be conducive to the achievement of her aspiration. It lamented the decisions of the Indian National Congress in launching mass Civil Disobedience Movement in the face of imminent danger of invasion. The resolution also deplored the recent outburst of mob violence on an unprecedented scale which was calculated to dislocate India's defence preparation. It felt that an atmosphere of goodwill and trust should be brought about for the introduction of the policy of conciliation along with preventive and unitive measures. "The Association feels that the transfer of political power to Indian hands through constitutional undertaking without prejudice and prejudging the interests of any community in the future constitution of India will be helpful for the termination of the present unfortunate situation." With this end in view it requested the Government of India to call a conference of all recognised parties.

The Non-party Conference under the leadership of Sir Tej Bahadur Sapru made efforts to explore the possibility of coming to terms with the League on the Pakistan issue. The Conference at its December sitting blamed the British Government for the continuing political deadlock in India.

### **"Historic Fast"**

Mahatma Gandhi undertook a fast for three weeks from February 10, 1943, as a protest against the repressive measures taken by Government to quell the 1942 movement, particularly

in Poona. Though it was a fast according to capacity, all political India was shocked. On this issue three members of the Governor-General's Executive Council, viz., Hon'ble Mr. N. R. Sarker, Hon'ble Mr. H. P. Modi and the Hon'ble Mr. M. S. Aney resigned on the 17th of February, 1943. The Association in a resolution observed that Mahatma Gandhi's life was too precious to be lost through a fast. It also opined that his presence could be helpful in effecting a political settlement between India and Great Britain and also for the attainment of an enduring peace. At a Conference of the leaders of various political parties at New Delhi on February 19 and 20, 1943, the un-conditional release of Mahatma Gandhi was urged.

### **Violence vs. Violence**

The severity of mob violence that manifested itself in the wake of arrest of top Congress leaders in August 1942, was met by mass reprisal under Government decree. Entire villages or wide areas were subjected to collective fines. Instances of arbitrary imposition of collective fines on innocent persons were frequent. The Association in a representation made it clear to Government that in the interest of war efforts and checking organised sabotage it was essential that at least those who were innocent should not be harassed unnecessarily. The COLLECTIVE FINES ORDINANCE 1942, was amended but was so rigorously applied that even landlords who were not inhabitants of a disturbed area were made liable to pay the fine simply because they owned some properties in that area in a far away district. In the course of the Chairman's address at a Special General Meeting of the Association held on September 19, 1943, Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A., of Burdwan deplored that for the fault of a few large number of innocent people were being penalised.

The Association decided to wait in an informal deputation upon the Governor of Bengal. It requested the landlords'



representatives in the Bengal Legislature to ventilate grievances of the innocent persons. The Governor of Bengal, however, advised the Association to wait upon the Hon'ble Minister-in-Charge of the Home Department. In view of the Association the extraordinary situation, envisaged in the Collective Fines Ordinance, came within the purview of special responsibility of the Governor. The Governor maintained a contrary view that the primary responsibility in such matters rested with the Hon'ble Home Minister, a statement, which the Association could not accept without a protest.

### **'World Organisation'**

To devise a common line of action in fashioning world security after the war, a Conference of Empire countries was called at London, in April 1945, as a prelude to a fuller meeting at San Francisco to evolve a world organisation. At the London Conference British India was represented by Sir A. Ramaswami Mudaliar and Sir Feroze Khan Noon, who were then Members of the Viceroy's Executive Council. The Association thought that India's representation through Government officials was not sufficient to inspire confidence in the public mind and that the Government of India should send some non-official Indians to participate in the deliberations of the Conference. At the British Commonwealth Relations Conference in London, India's case was placed with great outspokenness and ability by Sir Zafrullah Khan and Sir Bijoy Prosad Singh Roy, a member of the Association. No doubt the officially sponsored Indian Scientists' Mission had done some good work in British and America, just as the Indian Industrialists' Missions were expected to do in Australia, United Kingdom and in the United States of America ; but Maharajadhiraja Bahadur Uday Chand Mahtab of Burdwan, President of the Association, observed that "the national seal of approval on such and other Missions would have brought a real sense of satisfaction to us."

### **Renewed Efforts**

Mahatma Gandhi came out of the jail on May 6, 1946, at 8 a.m. and immediately wanted to settle the differences mainly between the Congress and the Moslem League. But in spite of his sincere efforts for an amicable settlement with Mr. Jinnah, the talks for settlement between Mr. Bhulabhai Desai and Nawabzada Liaquat Ali Khan and of the noble efforts of the Sapru Conciliation Committee, the Association noted with concern the continuing stalemate in the internal politics of India. In this context, H.M.G.'s emphasis on an "agreed Constitution" seemed to the Association "to be a trick". The Association, reminded the British Government of their responsibility to take "the initiative to find a way out of the deadlock." The outstanding questions were: Did not India shed her precious blood in the War? Were not sacrifices on the part of India in the War sufficiently large? The President earnestly hoped that "Great Britain will make a gesture for the transfer of power to India before the war is formally over." Without a free and contented India as an equal partner in the British Commonwealth of Nations the President prophesied, "lasting world peace will remain a dream".

### **End of World War II**

The war in Europe terminated with the unconditional surrender of Germany in May 1945. Japan capitulated in the course of three months thereafter. In observing the national thanksgiving day on May 13, the Association in a resolution rejoiced at allied victory and believed that this would ensure "the establishment of human civilization on the basis of just and equal relationship amongst nations in the interest of lasting peace in the world." The Association, recalled with pride the magnificent exploits of our men in the front and hoped that they had not died in vain. "They have heightened India's stature before the world, and have earned



for the people the right of a free India.” It was paradoxical that India which fought for world peace and went all out to win freedom for all nations should herself remain a slave. Delivering his address at the Annual General Meeting of the Association on March 28, 1946, the President recalled the British word of honour that India would be free after the war. India had played her part. It is now for Britain to keep her part of the contract, he reminded.

### **Constituent Assembly**

In September 1945, the Congress Working Committee adopted a resolution demanding a democratically elected Constituent Assembly to frame a federal constitution, acceptable to all. It gave the largest concession to the right of self-determination but definitely set its face against disintegration of India. The Association noted with regret that Mr. Jinnah in his statement in February 1946, strongly opposed the idea of a single constitution-making body for India and wanted an unequivocal admission of Pakistan.

### **I.N.A. Trial**

Meanwhile the I.N.A. trials were held in the historic Red Fort in Delhi. The Congress made itself immensely popular by defending the I.N.A. Officers, and by putting up a unanimous demand for their unconditional release. As the trials proceeded, the details of the exploits and romantic activities of the liberation army raised by Netaji Subhas Chandra Bose electrified India and became a cherished treasure in every Indian household. “It is not an exaggeration to say”, the Association opined, “that the I.N.A. is now a great factor in Indian politics, and that it has given a new life to the Congress movement”. While the I.N.A. trial was going on at Delhi, a mass demonstration at Calcutta, in sympathy with the I.N.A., that had given no provocation, was dispersed by the police with firing. Police resorted to firing again on Abdul Rashid Day. The Association

adopted resolution on both the occasions condemning police excesses, expressing deepest sympathy to the bereaved families and requesting Government to set up an enquiry Committee of officials and non-officials to investigate the unhappy disturbances so as to "bring to book those who are responsible for this unnecessary loss of life."

The Association noted with satisfaction the finalisation of the Charter of the San Francisco Conference and the first session of the General Assembly of the U.N.O. which took over the assets and resumed functions of the League of Nations in London in February 1946. India became a member of this parent body, as also of its subsidiaries like the Food and Agricultural Organisation, International Monetary Fund, and the World Bank.

The Association watched with interest the struggling efforts of the U.N.O. to lay the foundation of a lasting peace. It was distressed to find this organisation set up with such high hopes degenerate into "an area of wordy battles between the major Powers".

### **India's Part in U.N.O.**

In 1946-47, the Association wholeheartedly supported the stand of Pandit Jawaharlal Nehru in scrupulously maintaining an independent outlook in foreign affairs, steadfastly refusing to be a pawn in international power politics. Mrs. Vijayluxmi Pandit, as leader of the Indian delegation, very ably placed the case of South African Indians before the United Nations Assembly. The Association commended the services to India and the world of the Hon'ble Dewan Bahadur Sir A. Ramaswami Mudaliar, K.C.S.I., as President of the U.N.E.S.C.O. and took appreciative note of the activities of Mr. K. C. Neogy and Mrs. Hansa Mehta on the Commission on Human Rights. The achievements of Dr. Radha Benode Pal as Member-Judge on the international Japanese War Crimes Tribunal under the Allied Control Commission



at Tokyo, and of Dr. Radha Kamal Mookerjee and Dr. Radhakumud Mookerjee at the Copenhagen Conference and Washington Conference, respectively, were greatly appreciated by the Association.

The Association noticed in its Annual Report for 1947-48, that the U.N.O. already in the second year of its birth had not yet been able to overcome the initial difficulties due to the fault-finding attitude of some of its members and the excessive use of the veto power by others. The U.S.A. and U.S.S.R. tension had been mounting. Referring to this ideological fight between capitalism and communism the Association felt sorry that the Great Powers had again been busy preparing themselves for another war and it was shuddering to think of the humanity, if the great calamity again happen to descend upon the earth.

### **Spread of Communism**

The Association in its Annual Report for 1948-49 noted what a rich harvest communist penetration had reaped in the vast expanses of Asia, and how steadily peace had degenerated into an armed neutrality. The Association also viewed with concern how communism with its root in popular discontent had been coming everywhere on the crest of an impending chaos. It even threatened India's distinctive culture. To meet its challenge it was suggested that the Congress should come to an understanding with the other political parties and add to its administrative strength, popularity and prestige. More than political alliance, even more than military measures," the Association thought "was the security for the Government to adopt forthwith positive and adequate economic measures to remove the real cause of popular discontent."

With the joint acceptance of a cease-fire on the Kashmir front, effective from January 1, 1949, and the setting up of Evacuee Property Management Boards and Minority Boards in each Dominion, Indo-Pakistan relations improved to a certain extent.

### **M. A. Jinnah**

With the touch of common sorrow on the loss of Mahatma Gandhi, Father of the Nation, and of Quaid-e-Azam Jinnah, Founder of Pakistan in the same year, the two States seemed to come nearer. The Association adopted the following resolution in September 1949, on the death of Mr. M. A. Jinnah :

“The British Indian Association mourns the sudden demise of Quaide-e-Azam Mohammed Ali Jinnah, Governor-General of Pakistan, who by his relentless efforts and single-minded devotion contributed more than any one else to the establishment of the State of Pakistan. In him found expression of the hopes and aspirations of a vast body of Moslems who took him to be their natural leader.

“Young Pakistan yet struggling desperately to find its proper place in the world is distinctly poorer to-day in the loss of her great architect. The Association shares the grief of the people of Pakistan in their national calamity.

May his soul rest in peace !”

The appointment of Khawaja Sir Nazimuddin as Governor-General of Pakistan immediately after Mr. Jinnah’s death was a matter of profound satisfaction to the Association which was revealed in the following congratulatory letter :

“The British Indian Association, Calcutta, offers its heart-felt felicitations to Khawaja Nazimuddin—a front rank Muslim leader, a level-headed politician and a seasoned administrator—on his appointment as Governor-General of Pakistan.”

### **India after Partition**

On the home front, India attained a remarkable degree of communal harmony, territorial integrity and political stabi-



lity. The success which India achieved in tackling the vital problems elicited the following comment of Sir B. P. Singh Roy, Vice-President of the Association at the Annual General Meeting :

“The problems which India on the attainment of her independence had to face were neither few nor easy of solution, but through the grace of God most of these problems have been very successfully tackled by the Government of India. As a result, India’s political credit has gone up high.”

Though there was the “police-action” in Hyderabad, communal peace in India was not disturbed for a single day. The Association attributed this to the Government’s firm but tactful handling of the situation. The Hyderabad operation saved His Exalted Highness the Nizam and the people of Hyderabad from the undesirable influence of the Razakars. To Major-General J. N. Chowdhury, Major-General A. A. Rudra and Air Vice-Marshal S. Mukherji, who successfully conducted the police action, the Association sent its congratulations that: it takes pride and glory in the heroic exploits particularly of the three gallant sons of Bengal—Major-General J. N. Chowdhury, Major-General A. A. Rudra and Air Vice-Marshal S. Mukherji—who contributed in no small measure by their combined efficiency, courage and calmness in bringing about the cherished hope and that in less than a week.”

Elsewhere, under the political exigency of the hour a group of Rulers had to follow a policy of the Government of India of self-effacement. It brought to a close the reign of most of the ancient and historic ruling houses in India, which the Association sincerely regretted.

### **Contribution to Legislation and Administration**

The Association appreciated quite early the importance of the legislature in the evolution of Indian democracy, and it always desired that the best from among the rank of its

members were returned to the legislatures. When the country at large was yet to appreciate the value of constructive thinking in the field of politics, the Association had the satisfaction of seeing its members, nominated or elected, participating in the great forum of the nation and acquire valuable training in the difficult art of practical democracy. By themselves these members, contributed in no small measure to the deliberations, as also to the subject and level of the debates. If democracy is at all a success to-day in India, the credit for that must go to those pioneers in the early years of the twentieth century when the belated birth of democracy in India was eagerly and enthusiastically hailed by the Association.

The Association had all along believed in the fundamental political progress of the country and was keenly conscious of the great leeway that the country had to make. It had never put its faith in the mere strength of number. It has not allowed quality to be swayed by quantity, and in the face of growing pressure from various sides it supported the system of nomination as long as there was any logic behind it.

Thanks to its persistent efforts, as increasing number of its members began to fill seats in the legislature, the Association felt more and more keenly the necessity of organisation. Unity among the landholders became its watchword, and time and again it broached proposals for amalgamation with other sister organisations. Even when complete merger was found impossible for various reasons, the Association never allowed the value of joint action and mutual consultation with other interested bodies to be lost upon it. Though indisputably the premier organisation of its kind in the city and Bengal and perhaps also in the whole of India, the Association in the 20th century did not pretend to stand on mere prestige or empty ceremony, but begged of other similar institutions that had later cropped up to develop a common outlook on matters of vital importance to the nation. Indeed,



at one time it went to the length of organising a United Agricultural Party, when Council entry and city politics became the bane of Indian politicians.

Apart from giving some of its best members to conduct legislative business in the councils at the Centre and in the Provinces, the Association has offered valuable opinions on every important legislative measure of the day. The Government valued the opinion of the Association, and indeed, as a matter of standing practice, sought for it in matters of controversial nature. Men of ability and drive who managed the affairs of the Association often occupied prominent positions in public life. What they gave out as the opinion of the Association duly reflected in most cases the innermost wishes and aspirations of the people. At its annual gatherings, the Association ventilated the grievances of the people on the burning topics of the day. In measured terms, not lacking in warmth and sincerity, it gave the authorities an opportunity to ponder over these public grievances and redress the same in proper time.

It did not neglect the more spectacular activities either, when legislature itself did not enjoy much real power, and the executive in India very much dominated the administrative show. At all times in any country, the executive members being the men on the spot are immediately reckoned as the most important, and in a subject country like India it was especially more so. For long, the Association was, as it were, the recruiting centre of Indian Executive Councillors of some of the Provinces. Later, in the regime of popular ministries again it was largely from amongst the top-ranking members of the Association that those ministers were chosen. The Association has good reason to be proud of the achievements of these members in the administrative field.

The Indian Councils Act of 1892, expanded the size of the legislatures and provided for indirect election. It was

really a system of nomination from among specific public bodies representing particular sections of the population. In 1901, Sir John Woodburn, Lieutenant-Governor of Bengal, conferred upon the Association the great honour and privilege of electing one of its members to the Bengal Legislative Council. That was an official acknowledgment of the important role that the Association had been playing in the body politic of the country in general and of the Province in particular.

In 1906, on being invited by the Lieutenant-Governor of Bengal, the Association nominated its ex-President Raja Peary Mohan Mukherji, C.S.I., of Uttarpara to the vacancy caused to the Bengal Legislative Council by the resignation of the Hon'ble Mr. Syed Sharfuddin, a nominee of the Bihar Landholders Association.

At the Annual Meeting of the Association in 1907, the Hon'ble Raja Peary Mohan Mukherji, C.S.I., congratulated the Lieutenant-Governor of Bengal for introduction of the novel method of taking the non-official members into confidence by affording them facility to scrutinise the budget before presentation to the Council. Critical minds did not expect much from this. Babu Kalinath Mitter, C.I.E., a Vice-President of the Association, speaking from his own experience as a member of the Bengal Council in 1898, remarked :

“It is absolutely futile for the non-official members to try to carry any amendment which the Government does not want.”

Raja Peary Mohan Mukherji, C.S.I., resigned his seat in the Bengal Legislative Council in April, 1907. The Lieutenant-Governor of Bengal was again pleased to grant to the Association the privilege of recommending one of its members to be a member of the legislature. Raja Kishori Lal Goswami Bahadur was elected by a majority.



### Election to Provincial Council

In 1914, rules framed by Government for election of landholders to the Provincial Council gave rise to a controversy. Government held that a zemindar who had not paid the whole of the qualifying minimum of the revenue in respect of his estates in the Division where he resided, was not entitled to the inclusion of his name in the Electoral Roll of the Landholders for that particular Division. It involved automatic disfranchisement of a large number of big landholders residing in Calcutta or elsewhere than in the Division in which the bulk of their estates was situate. Rule 3 of the Election Rules seemed to imply that residence within the Division was a *sine qua non* for eligibility as an elector in that Division, though under Rule 5 it was not so. It was, however, curious that while according to the official interpretation of the Rules a landholder might not be included in the electoral roll for the election of member to the Provincial Council, he could do so in returning one to the Imperial Legislative Council. The Association submitted a memorial to the Government suggesting that the rules should be so interpreted as to make a landholder residing within any division eligible to be an elector in that Division provided that the aggregate amount of land revenue paid by him in all the Divisions of the Presidency at least equal to the qualifying minimum prescribed for the Division in which he resided. Government did not accept the suggestion.

In July 1920, the Association represented to the Government of Bengal that to the Landholders Constituency the requisite number of days should be allowed for the recording of votes in each Constituency scattered over wide areas having but inadequate transport facilities. The Association also suggested that Government Executive Officers in these districts should all be appointed Attesting Officers.

The result of first elections to the Bengal Provincial Legislative Council under the Reforms Act of 1919, was a source of great satisfaction to the Association due to the success of a large number of its members at the polls. But signs of a great disturbance were not wanting. The President of the Association thought that the reformed Councils were on their trial. Presiding at the Annual General Meeting of the Association in March 31, 1921, Maharaja Bahadur Sir Prodyot Coomar Tagore, K.C.I.E., observed :

“Upon the manner in which the elected representatives of the people discharge their duties, and to the extent to which they afford evidence of the realisation of their responsibilities will depend our further advance on the road to complete responsible government.” He hoped, “that there will be no factious opposition to the Government nor any attempt to pass measures for the benefit of particular classes or interests, but that all parties will combine work for the benefit of the nation as a whole.”

In 1923, general elections were announced for the Bengal Council and the Indian Legislative Assembly. The President of the Association exhorted the members to take

“all necessary steps to provide for an adequate representation of the best talents and patriotism of the country in the Council Chambers of Calcutta and Delhi and to see that the Reforms were worked in their proper spirit in the interest of the country.”

In the elections the Congress Swarajist Party succeeded in securing a majority in most of the Provincial Councils as well as in the Indian Legislative Assembly. Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Cossimbazar, President of the Association, remarked on the event :

“While opinion may differ as to the soundness of the policy of that party and the wisdom of its tactics, I think this is not the time nor the occasion to sit in judgment upon the leaders of that party who are no doubt acting according to their lights.”

At the Annual General Meeting of the Association held in March 31, 1927, Sir Bijay Chand Mahtab, Maharajadhi-



raja Bahadur of Burdwan, President of the Association, regretted that the new reforms were not to the liking of many people. Mr. T. C. Goswami, commenting on the remark of the President, quoted from the last speech of Lord Lytton in the Bengal Legislative Council to show that they did not have the necessary feature in them which could make them likable at all. Lord Lytton had said :

“The existence of an executive which cannot be removed by the legislature and of a legislature which cannot be removed by the executive is not calculated to produce harmony between the two, and without harmony between the legislature and the executive efficient Government is impossible. To ensure harmony the elected legislature requires an executive responsible to it and removable by it. A system which secures the supremacy of the executive not by the support of the legislature but by the exercise of an overriding authority is not, I think, providing the best preparation for full responsible government.”

Raja Manmatha Nath Roy Chowdhury of Santosh, a prominent member of the Association, was appointed President of the Bengal Legislative Council in 1927. On March 2, 1927, an afternoon party was held, in his honour, in the Association premises. Another important member of the Association Kumar Manmatha Nath Mitter was elected to the Bengal Legislative Council this year.

By-elections to the Bengal Legislative Council were held in 1930, on the resignation of their seats by the Congress members. The Association thought that the landholders should do well to contest some of these seats. It lent its active support to the candidatures of Kumar Surendra Nath Law, Kumar Sarat Kumar Roy, and Maharaja Sris Chandra Nandy (in the by-election from the Bengal National Chamber of Commerce).

The Association congratulated its members, viz., Maharaja Sris Chandra Nandy of Cossimbazar, Maharaja Jagadish Nath Roy of Dinajpur, Kumar Saileswar Singh Roy,

Mr. Profulla Kumar Guha and Mr. Gokul Chand Boral on their return to the Bengal Legislative Council.

The Association supported the candidature of Maharaj Kumar Nripendra Narain Sinha of Nashipur and Lieut. S. C. Ghosh Maulik for seats in the Council of State from West Bengal Non-Mahommedan Constituency, both of whom were successful at the polls.

### Landlords and Tenants

The sentiments expressed in the reply of Lord Willingdon, Governor-General and Viceroy of India to the Taluqdars of Oudh on the presentation of an address to His Excellency tallied with the thoughts and ideas of the Association on the changing situation in the country. The reply stated *inter alia* :

“In my opinion you will start under the new Constitution with the very great advantages of your prestige, your resources and the tradition and habit in your Estates, centres of obedience to your authority. If you utilise these advantages to the full, you can confirm and strengthen your position by proving your value to the tenantry. For your future well-being you should trust rather in retaining the esteem and affection of your tenants than to extraneous aid of a constitutional form, which is liable as all other human institutions, to change and dissolution. Let me impress upon you that your interests can best be preserved by fostering happy and sympathetic relations, with your tenants, whose interests as you rightly say are identical with your own. I trust you will all take an active part in the management of your Estates, move amongst your tenants and appreciate their difficulties. Then you will be able not only to withstand the attacks of agitators, but to ensure for yourselves an unassailable position.”

This address clearly showed that the Association realised that mere representation to the Government would do the landholder no good any more. It was incumbent upon them to work hard to educate public opinion and carry the people with the landholders ; to realise this aim, it was necessary that a number of sister institutions should be established in the different parts of the province with the same aims and objects.



The introduction of autonomy in the provinces ushered in a new era. The Association felt that the stage of depending on the Government for every matter, big or small, affecting the interests of the landholders, had perhaps gone for ever. India was happily on the way of being governed by her own people and it was more expedient to educate the electors who would be their main arbiter in their future struggle.

The resounding success of the Swarajist Party at the 1924 elections was a proof of what organisation could do. Moreover, to protect the special interests of the members of the Association it was necessary to make special efforts in the changed situation to close up the ranks and present a united front of the landholders. Sir P. C. Mitter, C.I.E., M.L.C., Honorary Secretary of the Association, stated at the Annual General Meeting on March 31, 1926 that the landlords should not merely organise themselves, but that "their organisations should welcome and include all political parties" irrespective of whether they were liberals, or swarajists or independents. The basic fact was that the tenureholders of Bengal, numbering about forty lakhs, all had the same interest. Such an all-party organisation, Sir P. C. Mitter believed, would not only benefit all the landholders but would do incalculable good to the people of Bengal.

### **Consolidation**

Next year at the Annual General Meeting in March 31, 1927, Raja Bahadur Bhupendra Narain Sinha, M.L.C., of Nashipur suggested the amalgamation of the Bengal Landholders Association and the British Indian Association, so as to forge a bigger and better organised body. He also proposed smaller organisation for the moffussil and increase in the number of branches of the British Indian Association. It was, however, suggested by others that no such amalgamation should be attempted without due circumspection.

At the Annual General Meeting in March 28, 1929, an appeal was made to the Zemindars not only to build a solid

union of their own, but to win over the hearts of their tenants by toleration and goodwill. It was suggested by Babu Surendra Chandra Ghose that they should devote themselves whole-heartedly to utility services in their zemindaries and

“a strong co-operative organisation should be built on a sound and solid basis to avoid and avert the drifting of the landholding class into chaos and the middlemen and tenants becoming increasingly insubordinate.

On the eve of the general elections under the Reform Act of 1933, Mr. P. N. Tagore, President of the Association, wished to see the landlords come out in the open and identify themselves with their tenants. He fervently wished that a strong Agricultural Party would grow and stand firm for the preservation of interests of land. Sir Bijay Chand Mahtab made a significant utterance :

“The day is not far distant when zemindars themselves as spokesmen of their tenants will have to introduce in the Provincial Councils legislations for the benefit of their tenants and not merely for their own.”

Sir Bijoy Prosad Singh Roy initiating a discussion at the Annual General Meeting held on March 30, 1936 remarked :

“Not in altruistic motive, but in their own interest and in the interest of those on whom they are entirely dependent, I mean the agriculturists, the landlords of Bengal must cease to be mere rent-receivers expecting popular support and gratitude because of the charity and public services of their ancestors. The present body of landholders should try to have something to their own credit. They must make the tenants feel the identity of interest between the two communities and that they were prepared to stand or fall together it is up to the landholders to face the problem boldly, and to meet the tenants’ demands before it is too late.”

He suggested that

“the landlords should go back to the villages, put themselves in direct touch with their tenantry and persuade them to form co-operative, agricultural and irrigation societies and teach them



the lesson of improved manuring, consolidation of holdings and improved seeds. He added that it must be proved to the powers that be that the infringement of the Permanent Settlement will not only be economically unprofitable to Government and to society, but will be a source of positive danger to the millions of middle class people in the Province. Further imposition on land without opening out other avenues of employment will be a real catastrophe from the point of view of economic stability of the Province."

In the course of a speech at the Annual General Meeting, 1936, Mr. T. C. Goswami indicated the necessity of the Association's extending substantial aid to the different landholders' organisations in the districts, because it was through them that the task of the landlords and their tenants could be successfully brought together. He urged upon the members to take note of the fact that the idea of abolition of the Permanent Settlement was not the monopoly of those who were influenced by communistic ideas. He exhorted the Association to organise public opinion, formulate constructive suggestions and so direct its efforts in the practical field of politics with a view to bringing harmony in the midst of adverse confusion.

### **Amalgamation with other Parties**

Members of the Praja Party approached Sir Bijay Chand Mahtab, President of the Association, with a view to explore possible avenues of forming a United Agricultural Party in Bengal before the impending elections. The Party placed certain points before him, and asked if they could meet the Association to discuss the terms of agreement and to issue a joint manifesto on that basis before the electors. These matters came up before the Committee of Management of the Association at its meeting on October 5, 1936. After considering every aspect of the proposal, the Association disagreed on the point of setting up of a commission of enquiry into the Permanent Settlement for adjustment of revenue and rent on equitable basis. Secondly, in the interest of united action the Association was prepared to forgo the pre-emptive rights

of the landlords provided sufficient safeguard was forthcoming against collusive transfers and under-sale of holdings. Thirdly, the Association was prepared to reduce landlords' transfer fee from 20% to 15%. Further the Association strongly opposed the proposal for imposition of income-tax on agricultural incomes. It was stressed that the following points should be urged by the Landlords' Party at the conference with the members of the Praja Party :

Punctual realization of rent was to be emphasised and accumulation of arrears of rent was not to be permitted. In the case of ejectment of tenants and sale of tenancies landlords possession should be immediate and effective. In case of the provision of enhancement of rent being scrapped, corresponding provision regarding abatement of rent should automatically lapse. Unfortunately, no agreed solution was possible on the above terms.

On the initiative of the Indian Association on the question of formation of an Agricultural Party, the Association met its representatives in the British Indian Association on October 13, 1936.

Due to the continuing economic depression which hit them hard, the landholders could not afford as liberally as before to grant concessions and other privileges to the tenants. This was conveniently manipulated by the agitators as signifying their hostility to the tenants. It is not difficult to realise that under the circumstances, the landlords could not inspire the tenants to any programme of joint political action. Government by its failure to adopt any effective measure for their economic emancipation only drove the tenants towards radicalism.

### **The Goal**

In March 1944, indicating the goal of the landholding community Sir Uday Chand Mahtab said : "The aim of our community has been to improve our position through the



welfare and better prosperity of our country. Unless we can move with the time and rally round the ryots of our province to fight our cause, our usefulness as an intregal part of our country would be ended for ever." He urged upon the landholders to act up to it.

In the general elections to the Provincial Assembly under the Reforms Act of 1935, the Congress captured majority of the general seats. Defeat of some of the landholders in the general elections stirred many of them into thinking afresh the need of organising an agricultural party with a policy of give and take to improve their position through the welfare of the tenantry. In March 1937, at the Annual General Meeting of the Association Mr. Amar Nath Mukherjee felt that as it was useless to run against time the landholders should come to an understanding with the Congress. He came to believe that an exclusive organisation of landholders in the political field as a party had become an anachronism.

### **Zemindars and the Congress**

Maharajadhiraja Bahadur Sir Bijay Chand Mahtab, commented that Congress or no Congress, Zemindars must strive to stand on their own legs and fight their own battle. If the Congress had lost the faith and confidence of the zemindars, the reason was not far to seek. Year after year in its earlier days, the Congress used to pass resolutions emphasizing the need of protecting the rights of landholders, but now they had changed their slogan, their tactics and ideas. In spite of the new-fangled socialistic slogans of the Congress, it was the capitalists and landholders who up till then kept the Congress organisation alive. It spoke well of the political sagacity of Mr. C. R. Das who realised the importance of the co-operation of the zemindars and that was why he tried to win them over to the Congress fold. Maharajadhiraja Bahadur thought that it was now for the Congress to make a gesture and not for the zemindars.

Once again in March 1938, Mr. Amar Nath Mukherji raised at the Annual General Meeting of the Association the issue of making some sort of a conciliatory gesture to the Congress. He emphasised that the declared aim of the Praja Party, the party in power, was to undermine landlordism in Bengal. In the circumstances, the only hope of landlords lay in joining with the Congress. Mr. Mukherji urged upon the landlord members to avail themselves of the opportunity of the presence of Mahatma Gandhi in Bengal in bringing about an understanding between the zemindars and the Congress. He quoted an assurance extended by the Maharajadhiraja Bahadur of Darbhanga to the Congress that the zemindars of Bihar would gladly co-operate with the Congress in their work of upliftment of the tenantry.

The President, Sir Bijay Chand Mahtab, however pointed out that as the Congress in Bengal had not the same power and position as it had in Bihar and U.P., there could be no question of joining hands with the Congress here as the Bihar landlords had done. Of course, the landlords did not disagree with the Congress so far as its programme of rural reconstruction was concerned, but the Congress ideology in other respects was fundamentally different from that of the landlords. The Association could not see eye to eye with it.

Mr. P. N. Singh Roy, Honorary Secretary of the Association met Mahatmaji and sought his guidance, on behalf of the landholders. He also appealed to him to advise the National Congress to meet out justice to them. After discussion Mahatmaji pleaded his inability to move in the matter as he was not even a four anna member of the Congress and had not studied the intricate landlord-tenant problem.

### **General Election, 1937**

In the elections to the new legislature in Bengal in 1937, some of the prominent members of the Association were returned. To the Legislative Assembly were elected the following members of the Association: Maharaja Sris



Chandra Nandy of Cossimbazar, Maharaj Kumar Uday Chand Mahtab of Burdwan, the Hon'ble Sir Bijoy Prosad Singh Roy, the Hon'ble Nawab Sir K. G. M. Farouqui, Sir Hari Sanker Paul, Mr. Tulsi Chandra Goswami, Mr. Kanai Lall Goswami, Kumar Debendra Lall Khan, Rai Harendra Nath Chowdhury and Mr. Birendra Kishore Roy Chowdhury. To the Upper House in Bengal the following members of the Association were elected through indirect election from the Legislative Assembly: Raja Bahadur Bhupendra Narayan Sinha of Nashipur; Maharaja Manmatha Nath Roy Chowdhury of Santosh; Kumar Saileswar Singh Roy; Rai Bahadur Surendra Narayan Sinha of Nehalia; Mr. Naresh Nath Mookerjee and Seth Hanuman Prosad Poddar.

The Association held that the elections should be free, fair and above board. Conditions should be so created that they may truly reflect public opinion. In response to a Home Department Notification dated March 12, 1940, the Association laid down the principle that the maximum expenses at elections to the Bengal Legislature should be so fixed as to discourage reckless expenditure and corruption of public life. It further held that the expenses for the rural and urban areas should be uniform.

### **Election in 1946**

In 1943, Sir Bijoy Prosad Singh Roy, K.C.I.E., Kt., a Vice-President of the Association, was elected President of the Bengal Legislative Council, which was much appreciated by the Association.

In the 1946 elections, three prominent members of the Association, viz., Maharaja Sris Chandra Nandy of Cossimbazar, Maharaj Kumar Sitangsu Kanta Acharyya Chowdhury of Mymensingh, and Mr. Narendra Singh Singhi were returned uncontested on Congress ticket to the Bengal Legislative Assembly from the Presidency Division Landholders' Constituency, the Dacca Division Landholders'

Constituency and the Rajshahi Division Landholders Constituency, respectively. Kumar Bimal Chandra Sinha was returned from 24-Parganas South-East (Rural) General Constituency. Sir Uday Chand Mahtab, K.C.I.E., Maharaja-dhiraja Bahadur of Burdwan, President of the Association, stood as an independent candidate from the Burdwan Division Landholders' Constituency, and was returned uncontested to the Bengal Legislative Assembly. The members of the Association who were returned to the Indian Central Assembly from various Constituencies on Congress ticket were Kumar Debendra Lal Khan of Narajole, Mr. D. K. Lahiri Chowdhury and Mr. Ananda Mohan Poddar. The Association supported the candidature of Kumar Arun Chandra Sinha and Mr. A. D. Addy, the veteran members of the Association, who stood for election from the Chittagong Division Landholders Constituency and the Bengal National Chamber of Commerce Constituency, respectively. In this connection the Association adopted the salutary principle that in case of a contest between (a) a member and a member, the Association would remain neutral; (b) a member and a stranger, it would support the member; and (c) two outsiders, it would support the candidates on merits. To secure the election of members it supported, the Association took an active role in enrolling members in the voters' list, at the time of the preparation of the rolls.

The Congress had extended substantial support to most of the members of the Association who contested the elections. And most of them came out successful. Mr. P. N. Singh Roy, Honorary Secretary of the Association, at its Annual General Meeting observed with pleasure that many prominent landholders had been working under the Congress. This was ample proof of their strong leanings towards the Congress. He was of opinion that all of them should join the Congress and try to support it as far as possible.



### **Revitalisation**

Mr. Singh Roy emphasised that if the landholders and the Association were to play their due part in future, the District Landholders organisations must be revitalised and lifted out of their moribund state. They should strengthen themselves and extend financial and other help on a quota basis to the Ways and Means Committee, a body that was specially set up at a representative all-Bengal Landholders Conference held in 1945. He paid a tribute to the landholders organisations in the Districts of Mymensingh, Hooghly and Backerganj, but held that it was his experience that the District organisations were generally lacking in responsive co-operation.

After the Constitution of the new province of West Bengal, Rai Harendra Nath Chowdhury, a member of the Association was elected to the Provincial Legislature from the Bankura West General (Rural) Constituency. Not merely by getting returned to legislature but by actively associating themselves with the Government in the task of day-to-day administration, some members of the Association had rendered signal service to the country, and glory to the Association.

### **Members as Administrators**

The Association may recall briefly with pride the services in the field of administration of the prominent members of the Association during the last fifty years.

On the appointment of the Hon'ble Sir Vencates Swetachalpati Ranga Rao Bahadur, K.C.I.E., the Maharaja of Bobbili, as a Member of the Executive Council of His Excellency Sir Arthur Lawley, the Governor of Madras in 1910, the Association adopted a resolution expressing their thankfulness for the recognition by the Government of Madras of the landholders' claim to be associated in the highest sphere of administration.

The Association also congratulated the Hon'ble Maharaja of Bobbili, a very distinguished member of the Association, on his being appointed the first Indian Member of the Madras Executive Council.

The Hon'ble Rai Kishori Lall Goswami Bahadur, another very distinguished member of the Association, was appointed as the first Indian Member of the first Executive Council of the reformed Province of Bengal in 1911.

Maharajadhiraja Sir Rameswar Singh, G.C.I.E., K.B.E., of Darbhanga another most prominent member of the Association and an ex-President, was appointed as the first Indian Member of the first Executive Council of the new Province of Bihar and Orissa. The Association presented a congratulatory address to him. In the course of his reply, Maharajadhiraja Saheb of Darbhanga referred to the proper training and education of the sons of noblemen and said: "It is surely a matter of the supermost importance that our sons should be thoroughly equipped in every respect for their future stations in life, physically, mentally and spiritually, to enable them to take their places as the natural leaders of their people—leaders to whom the people will look up with respectful trust for the light and leading they require. It is no longer possible to count on the mere accident of birth as alone constituting a qualification for the position of a noble in the land."

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharadhiraja Bahadur of Burdwan, having been appointed a member of the Bengal Executive Council during the absence of the Right Hon'ble Lord S. P. Sinha on Deputation to England, the Association entertained him at a Garden Party on July 2, 1918, at Emerald Bower.

When dyarchy was inaugurated in Bengal under the Reforms Act of 1919, Mr. P. C. Mitter, an active member



of the Association, was appointed Minister for Education and Nawab Syed Sir Nawab Ali Chowdhury, Minister for Agriculture, Commerce and Industry and Co-operative. In 1927, Sir Provash Chunder Mitter, K.C.I.E., was re-appointed a Minister to the Government of Bengal.

To mark this happy occasion, the Association organised a reception on December 8, 1927. Besides the members, the afternoon party was attended by many leading citizens of Calcutta.

The Hon'ble Maharaja Bahadur Kshaunish Chandra Roy of Nadia, a very distinguished member of the Association, was appointed a Member of the Bengal Executive Council. On his premature demise, the Association arranged on July 30, 1928, a memorial meeting in the Town Hall under the presidency of His Excellency Sir Stanley Jackson, the then Governor of Bengal.

Raja Bahadur Bhupendra Narayan Sinha, M.L.A., of Nashipur, a member of the Association who afterwards became its President, was appointed a Minister of the Government of Bengal in 1928. In a fitting resolution the Association congratulated him and later on January 10, 1929, organised a reception in its hall to the Hon'ble Raja Bahadur.

Early in 1929, another highly valued member of the Association, the Right Hon'ble Sir B. C. Mitter was appointed a Member of the Judicial Committee of the Privy Council.

Kumar Shib Shekhareswar Roy, an important member of the Association, resigned from his Ministership in 1930. The Association in a resolution appreciated his signal courage.

Lieutenant Bijoy Prosad Singh Roy, who was a very active Honorary Assistant Secretary of the Association was appointed a Minister of the Government of Bengal in 1930. He continued as a Minister upto 1942, and was in charge

of the Departments of Local Self-Government, Medical and Public Health, and Excise and later on of the Revenue Department.

In 1937, Maharaja Sris Chandra Nandy of Cossimbazar and Sir Bijoy Prosad Singh Roy were appointed Ministers to the Government of Bengal under the Government of India Act, 1935.

In 1943, Kumar Tulsi Chandra Goswami and Mr. Tarak Nath Mukherjee, M.B.E., two influential members of the Association, were appointed Ministers to the Government of Bengal.

Kumar Bimal Chandra Sinha of Paikpara and Rai Harendra Nath Chowdhury were appointed Ministers in the newly-constituted province of West Bengal.

The special distinctions which were conferred on numerous members of the Association by His Majesty's Government in India are proof of their signal service to the country and their community. The complete faith with which large bodies of voters have sent many of them to legislature or to power is another proof that these natural leaders have throughout held the welfare of the country nearest to their heart.

### **Persons above Parties**

The most notable feature that the Association had all along been able to maintain was its efforts at keeping personalities above parties and the political ideals. The practice usually followed was to admire and adore what was worthy of veneration.

### **Arrests and Release**

Mr. Subhas Chandra Bose, M.L.C., had been detained since October, 1924, under Regulation III of 1818. On his unconditional release, the Association expressed its sense of gratitude on May 21, 1927, by a wire to the Governor of



Bengal. The Association strongly protested in 1930, against the alleged assaults on Sd. J. M. Sen Gupta, Sd. Subhas Chandra Bose and others in the Alipore Central Jail and requested an examination of the injured persons by independent medical men and interview by their relatives and respectable citizens to allay public disaffection. It also suggested the early formation of a Committee of Enquiry into the matters consisting of officials and non-officials.

### Obituary

In 1929 the Association in a resolution condoled the death of LALA LAJPAT RAI "who was a fearless leader, a devoted social reformer and great as an educationist." Similarly, the death of Mr. BEPIN CHANDRA PAL in 1932, was the occasion of an appreciative reference to his sincere patriotism, deep erudition and great personality. In December 1950, the Association offered its respectful homage to the departed soul of SRI AUROBINDO. The condolence resolution adopted by the Association noted:

"Beginning life as an ardent revolutionary worker in the field of India's political freedom, he transformed himself into a recluse, living in deep solitude of the Ashram and dedicating himself to a passionate meditative quest for the attainment of transcendental bliss. The Association does not mourn his mortal loss as it believes that his soul now soars in supramental effulgence. Yet it must grieve that his physical presence will no longer be here to finish the supreme task he set before himself and guide the entire mankind to a new Haven of happiness."

On the death of Pandit MOTILAL NEHRU in February 1931, it expressed its deep sense of loss at a critical moment in the evolution of India's history. When MRS. ANNIE BESANT passed away in November 1933, the Association in a resolution solemnly recalled her life-long self-less service to the cause of India and for social, political, religious and educational regeneration of the country in general and of the Hindus in particular. Mr. V. J. PATEL, died in October 1933, and

the Association mourned the loss—"as the first elected President of the Indian Legislative Assembly" who "exhibited unique political foresight, sagacity and statesmanship".

The death in 1949, of Sm. SAROJINI NAIDU, then Governor of U.P., was deeply condoled by the Association in a resolution which stated *inter alia* :

"Here was a restless life of a patriot dedicated to the service of the country in which her pen and tongue, her head and heart took peerless part. Gifted daughter of a Bengali scholar, she rounded off her education abroad, pioneered the Indian freedom movement on behalf of Indian womanhood and substantially shaped the political destiny of India in the past few fateful years, among others."

Death next year of Sardar VALLABHBHAI PATEL was deeply lamented by the Association in the following language :

"A life devoted to action and dedicated to the Nation, Hon'ble Sardar Vallabhbhai Patel now lies in eternal rest! The British Indian Association mourns the sudden demise of Sardar Vallabhbhai Patel, who was a pillar of strength and stability to our independent, infant state. Though he died full of years and honours, this silent but firm man who had endeared himself to the Nation by the familiar title of the Sardar was never needed more as now. His sagacious counsel, his firm resolve, above all, his courage of conviction India will not easily find in any second son of hers. In his death the Congress organisation loses a never-failing guide and the country a bold and intrepid statesman who had a rare insight and a correct perspective ; while the Nation loses an unostentatious personality who yet steadily steered the ship of the State through a reefy and uncharted sea."

On the death of Mr. J. M. SEN GUPTA in August 1933, the Association recalled that this prominent Congress Leader

"as Mayor of Calcutta had exhibited his remarkable ability, geniality of nature and had won the love and esteem of his countrymen by his disinterested patriotism."

In 1948, the death of MR. KIRAN SHANKAR ROY removed one of the leading lights in Bengal's political life. The



Association in a resolution condoling his death stated that this "scion of a well-known zemindar family of Dacca and a cultured son of Bengal completed his studies abroad and dedicated his life to the services of the country."

Kumar DEBENDRA LALL KHAN who hailed from Narajole, Midnapore, and himself belonged to a well-known zemindar family was for long a member of the Association. He was a staunch fighter for India's liberation from bondage and he staked his all for the freedom of the country. The Association mourned his death which sad event took place soon after the attainment of Independence.

### **The Drift**

In July 1949, Pandit Jawaharlal Nehru came to Calcutta to make an on-the-spot personal study of the situation that led to the defeat of the Congress in a prestige contest. To him the Association sent a Memorandum on the prevailing situation in the country. It noticed with dismay the growth of a clique in the Congress rank and the desire for power and patronage as against social service. Unfavourable decision on the boundary dispute between Bengal and Bihar also bred ill-feeling in Bengal towards the Congress Party. The Association suggested that the Government should be impartial to non-congress political parties and try to recognise merits in them. Interference by Congress workers in the day to day administration should be strictly checked, and that the Congress as an organisation should not spare Government from its criticisms when it so deserved. The Association noticed that in the trail of Independence there had been an influx of inexperience, indiscipline and corruption into the great organisation and that nothing substantial had been done to remove the widespread poverty and acute unemployment in the country. It suggested that the Congress should set up a non-corrupt administration and assume once again the

political, and moral leadership of the country speedily ; while executing short-term measures to ensure plenty of food and clothing to the people at a cheap price.

A few years before his death, his political conviction turned Mr. Sarat Chandra Bose away from the Congress more and more. The Association was not in sympathy with his new political alignments and policies. When he inflicted defeat on the official Congress candidate at the South Calcutta bye-election, the Association regretted it.

### Further Loss

In 1950, MR. SARAT CHANDRA BOSE died a martyr's death. The Association in a resolution of condolence paid him tribute :

“for his firm resolve and sincerity of purpose which stood above everything else.”

This intrepid warrior in India's fight for freedom had never put under shadow the magnanimity of his soul.

“India has been distinctly poorer by the loss of a pre-eminent politician, the Bar has lost a distinguished lawyer and Bengal a bold statesman.”

Pandit MADAN MOHAN MALAVIYA another noble son of mother India who had dedicated himself to the service of the country belonged to the Congress, which he left later on, because and of the alleged policy of Muslim appeasement adopted by it. This redoubtable champion of Hinduism, devoted himself heart and soul to the Hindu Sangathan Movement. On his death in December 1946, the Association paid him a high tribute for his sterling character and nobility of soul. The resolution of condolence stated *inter alia* :

“His constructive genius, luxuriantly manifested itself in the establishment of the Banaras Hindu University, which his grateful countrymen will ever treasure.”

The Association's regard for the level-headed political leaders like the Right Hon'ble SRINIVASA SASTRI, the Right



Hon'ble Sir TEJ BAHADUR SAPRU and Mr. JATINDRA NATH BASU, deserve special mention. Avoiding extremes, these liberal leaders treaded the steady middle path in politics, and the Association found much to command and admire in their balanced political creed. When one section of the people indulged in mutual mud-slinging, and politics was getting murky and baneful with vituperation and even violent attacks, these leaders advanced sober judgment. They always tried to get at the root of the troubles and by offering sane and practical advice sought to lay the firm foundation of political progress.

On the death of Mr. J. N. BASU, the Association in a resolution recounted that

“as a spokesman of Bengal Liberals, as the leader of the Nationalist Party in the Bengal Legislative Assembly and as a sincere worker and earnest fighter for political, social and educational reforms, he made his mark in all spheres of work. A man of culture and charming disposition, he was held in high esteem, and he has left a worthy legacy to his countrymen.”

The Association referred to the passing away of the Right Hon'ble Sir TEJ BAHADUR SAPRU in moving terms of praise and condoled his death in a resolution in the following language :

“The British Indian Association deeply mourns the sad demise of the Right Hon'ble Sir Tej Bahadur Sapru a profound scholar, an amiable gentleman in every sense of the term, and above all, a noble son of India who combined the ancient civilisation of India with her modern culture. By his genial temperamout and liberal disposition he endeared himself to all with whom he ever came into contact. He shone brilliantly as a front-ranker among the world jurists and constitutional experts, and has ever remained a beacon-light of inspiration to his numberless followers in the country. To the legal profession he brought a purity of heart, active sincerity of purpose, vast erudition and great dignity which richly enhanced its high traditions. When he took to politics, his towering personality and keen grasp of men and events around him could

be satisfied with nothing less than liberalism which eschewed cheap slogans and petty shibboleths as methods of political propaganda but concentrated rather on keen and intelligent understanding of the problems at their roots. In his death the legal world had lost a luminary, politics a sagacious, sober and dignified leader and India a finest son."

### **Mahatma Gandhi**

No one has done more than Mahatma Gandhi to make India what she is to-day. In the pursuit of his ideal, he had been the leader of many a movement of supreme importance whether conducted in India or abroad. His activities in East Africa to raise the status and position of migrant Indians received the unstinted praise and support of the Association. The Association could not look with favour upon his Non-co-operation Movement. Still the piety of his soul, and his altogether moral approach to purely political questions evoked the deepest regard in the Association. His release from prison in 1924, ordered by the Government of Bombay was greeted with joy by the Association. When he concluded the famous Gandhi-Irwin Pact, the Association acknowledged him as the arbiter of India's destiny. The Association, disapproved of his policy of individual Satyagraha campaign in so far as it hampered Allied war effort, and made India vulnerable to foreign aggression. However, Mahatma Gandhi's decision to undertake a fast according to capacity with effect from February 10, 1943, while he was serving his term of imprisonment greatly disturbed the Association which prayed for his long life. His dynamic personality, which soothed the frayed temper of communalists in Bengal and brought peace in this benighted land, was the subject of an appreciative reference in the Presidential speech in 1948. Said Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of Burdwan :

"A section of humanity fed on hymns of hate had completely gone off their heads and the brutal instinct in man got the better of them. When this mad fury seized the country what a relief



it was to find the frail old man of 78—the venerable Mahatma—deftly wielding his magnetic influence and bringing the surging mass of humanity back to their senses, and making them share life's sunshine and rain with their fellow-nationals”.

On January 13, 1948, Mahatma Gandhi undertook a fast in New Delhi for an indefinite period to bring about unity among the different communities. In response to a call by the Governor of Bengal, Shri C. Rajagopalachari, the Association offered public Puja for the restoration of brotherly feeling amongst all communities, so that the precious life of Mahatmaji might be saved.

On the evening of January 30, the whole world was stunned to hear the news of the assassination of Mahatma Gandhi, at his prayer meeting. At a Special General Meeting held on March 15, 1948, the Association, condoled the death of Mahatmaji which “choked the “Tridhara” of truth, non-violence and peace”. The resolution that was adopted at the meeting ran :

“May his admiring countrymen, by His grace, have the determination and good sense to follow the noble lessons taught by him and complete the uncomplished work of their beloved leader, now no more.”

Moving the resolution the President made a touching reference to the pinnacle of glory which the Mahatma had reached during his tour of the riot-affected areas of Noakhali. Said he,

“Who will deny that in the dark days of 1946-47 when brotherly feeling was at its lowest ebb, and appalling insecurity was writ large on every face, he, with his devotion, courage and determination held fast to his practical doctrine of love and non-violence and by his undoubted moral force successfully steered the ship of the nascent State to harbour. Alas, the mad fury of a fanatic, who, to our eternal shame, is a Hindu, consumed the most valuable asset that India possessed.”

## CHAPTER VI

### CULTURAL AND SOCIAL

The British Indian Association did not restrict its activities to the narrow grooves of politics, but has taken keen interest in all matters that are conducive to the attainment of manhood in all its aspects not excluding the interests of the associations around it.

#### **The Indian Museum**

The Association has actively participated in the preservation of remains of birds and beasts of a by-gone age in the Indian Museum. In 1909, by an amendment of the Indian Museum Act the Government of India altered the Constitution of the Board of Trustees of the Indian Museum with a view to assigning a position on the Trust to the Chief Executive Officer of the Museum. This amendment also extended to the Association the right of electing a member to the Board. In 1910, Maharaja Sir Prodyot Coomar Tagore was returned as the Association's representative on the Board. He was successively returned to this body by the Association and remained as such until November 30, 1927. Raja Bahadur Bhupendra Narain Sinha, M.L.C., of Nashipur succeeded him and held this public office till 1935, and was re-elected in 1943. He resigned his post in 1949. From 1935 to 1943, this public office was held by Dr. Satya Churn Law, M.A., B.L., Ph.D. from 1949 to 1952, Maharaja Sris Chandra Nandy of Cossimbazar represented the Association on the Board of Trustees. He was succeeded by Kumar Brindaban Chandra Sinha, M.A., B.L., of Paikpara.

#### **Preservation of Memorials**

If the Association has bestowed more than ordinary attention on the erection and preservation of the memorials of great



men whose exploits in various fields are a matter of glory and inspiration. That it should be alert in recognising merits and paying its tributes to the memory of those who were active in the political lime-light of India is just a part of its existence. The Association has come forward to acknowledge the nation's deep debt of gratitude to such noble souls as Hurrish Chunder Mookerjee, Rajendra Lala Mitra, Rash Behari Ghose, Joteendra Mohan Tagore, Asutosh Mookerjee, Rajendra Nath Mookerjee, Rabindra Nath Tagore, Profulla Chandra Roy—to mention only a few drawn from different walks of life outside the pale of politics.

It will not be out of place to make a brief reference here to what the Association in its own way has done in this direction during the last half a century. In 1920, the Association offered to fix a memorial tablet at a cost of Rs. 200 on the site of the house in which the late Hurrish Chunder Mookerjee, Editor of the *Hindu Patriot*, lived, worked and died. The Association had also maintained the widow of the illustrious patriot since 1861, on a fixed monthly allowance.

On the death of Dr. Sir RASH BEHARI GHOSE, Kt., C.S.I., C.I.E., the Association organised a public meeting convened by the Sheriff of Calcutta at the Dalhousie Institute which was held on April 19, 1921, with His Excellency the Earl of Ronaldshay, Governor of Bengal, in the Chair. About Rs. 4,600 was raised for the Sir Rash Behari Ghose Memorial Fund.

On the initiative of Lieut. Bijoy Prosad Singh Roy a meeting of the Executive Committee of the Fund was held on May 23, 1927, at which it was decided to prepare a bust of Sir Rash Behari Ghose and hand it over to the Hon'ble the Chief Justice of the Calcutta High Court for installation in a suitable place in the High Court. It was also resolved

to endow a scholarship and one or more medals in the name of Dr. Sir Rash Behari Ghose with the balance, if any. In 1930, the sum of Rs. 5,000 was sent to the Hon'ble Sir George Rankin, Chief Justice, Calcutta High Court, for the bust of Sir Rash Behari Ghose. A sum of Rs. 589/11/- was sent to him from the Fund next year for two gold medals to be awarded annually or half-yearly to the best articulated clerk qualifying for the Bar.

The bust of Sir Rash Behari Ghose was erected in the public corridor on the first floor of the High Court main building just to the west of the top of the main staircase. After meeting the expenses for erecting a bronze bust of Sir Rash Behari Ghose, the Sir Rash Behari Ghose Memorial Medal Fund was created in 1931, with an investment of Rs. 1,345-2-6 in  $3\frac{1}{2}\%$  Government Securities of the face value of Rs. 2,100. A gold medal was awarded each year to the best candidate amongst the articulated clerks at the Chamber Examination till 1942. In 1943, when the price of gold was rising, a silver medal came to be awarded in place of a gold one and the balance available after meeting the costs of the silver medal, was used in awarding a prize of law books of the winner's choice. This practice was followed till 1950, when the Chamber Examination was abolished. The Medal Fund was thereafter transferred to the Calcutta Bar Council in August 1951, under orders of the Court. No medal was awarded by the Calcutta Bar Council in 1951. It may be mentioned here that Kumar Amaresh Chandra Sinha of Paikpara who, in later years, was a distinguished member of the Association, annexed this medal at the Chamber Examination in 1947.

With the sudden death of Sir ASUTOSH MOOKERJEE, Kt., C.S.I., in 1924, India lost an erudite Judge and a jurist, while his long and brilliant services in the Legislature and as a member of the various scientific and other Societies and above



all in the Senate and the Syndicate of the Calcutta University of which he had been Vice-Chancellor for many years, came to an abrupt close. Feeling references to his great qualities were made by the President of the Association, Raja Reshee Case Law, C.I.E., M.L.C., who expressed deep regret for the loss that India in general and Bengal in particular had suffered in his death. Under the auspices of the Association, a Sheriff's meeting was convened on July 11, 1924, at the Dalhousie Institute under the presidency of His Excellency the Right Hon'ble Earl of Lytton, P.C., G.C.B., Governor of Bengal, to place on record the profound sense of loss and sorrow at his passing away. For the public memorial of the illustrious Bengali, the Association proposed to raise a fund. A sum of Rs. 1,662-13-0 was lying in the Memorial Fund undisbursed. Here again on the initiative of Lieut. Bijoy Prosad Singh Roy a meeting of the Executive Committee of the Fund was held on May 23, 1927, at which it was decided to hand over the amount to the University of Calcutta for the proper perpetuation of the memory of Sir Asutosh Mookerjee.

The decision was, however, changed later on, and on July 7, 1930, two cheques, one for Rs. 1,000 was issued in favour of the Vice-Chancellor, Calcutta University, to apply the sum for the Post Graduate Department (Art Section), and another for Rs. 547-11-3 to the Hon'ble Raja Sir Manmatha Nath Roy Chowdhury of Santosh, President of the Bengal Legislative Council, to utilise the sum for furtherance of a life size bronze statue of the great son of Bengal. The balance of the sum of Rs. 115-1-9 was spent to meet the expenses incurred by the Memorial Committee.

The Association noted with deep grief that the memory of Raja Rajendra Lala Mitra an ex-President of the Association, a name to reckon with in the renaissance of Bengal in the 19th Century, was fading away from public mind. At the instance of Mr. P. N. Singh Roy, Honorary Secretary,

it was resolved that the death anniversary of this eminent savant, who had rendered sterling services in many a field, not excepting the awakening of a new national consciousness in Bengal, should be observed in a fitting manner every year. The first of these meetings was held on July 26, 1935, under the presidency of Mr. J. N. Basu, M.L.C.

Warm tributes were paid to the memory of the great Bengali savant and leader of the public opinion, Dr. Rajendra Lala Mitra at a meeting held on the 26th of July, 1937, under the auspices of the British Indian Association at the Association Hall in observance of the death anniversary of the Raja.

Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan, presided over the meeting. The Chairman, Maharaja Sris Chandra Nandy of Cossimbazar, Dr. Panchanan Neogy, Mr. Sachindranath Mookerjee and Mr. Mallinath Roy offered their homage to the memory of the late Raja Rajendra Lala Mitra.

In 1938, the 47th death anniversary of the Raja was held under the Chairmanship of Maharajadhiraja Bahadur Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., President of the Association. Those who paid their tribute to the Raja included the Chairman, Mr. Tushar Kanti Ghose, Dr. D. R. Bhandarkar, Sir Bijoy Prosad Singh Roy, K.C.I.E., Kt., Dr. S. C. Law, Ph.D. and Kumar Bimal Chandra Sinha.

In 1939, the Anniversary meeting was held in the Hall of the Association under the Chairmanship of Dr. Radha Kumud Mookerjee, M.A., P.R.S., Ph.D., M.L.C., Mr. J. N. Basu paid his tribute that the Raja was the leader of political thought in the country. In literary and social fields of work he was pre-eminent. But his contributions to the archaeological studies were indeed remarkable. He could read the



glorious history of the country in her ancient remains ; he could know the habits and customs of our people from forgotten records. In research work he was a pioneer. The Chairman, Dr. Radha Kumud Mookerjee, emphasised that “the three aristocracies of Birth, Brain and Bullion met in him. Such a happy combination of the three factors which very often militate against one another is rare among human beings.” The Raja was born in 1823 and died in 1891. He knew ten languages including Persian and Sanskrit, Urdu and Hindi, Greek and Latin, French and German. He was the author of 128 books ; 13 in Sanskrit and 10 in Bengali. He became the Assistant Secretary and Librarian of the Asiatic Society in 1846, of which he rose to be the President in 1885. As an Indologist, his pioneer works on Orissa and Bodh Gaya brought him fame. His two volumes on the Indo-Aryans showed the range and depth of his scholarship. He was the first to translate Kamandaka’s *Nitisara*. His Bengali books, *Bhasya-Sandarbha* and *Vividhartya Samgraha* will be long remembered. In recognition of his learning the University conferred upon him the honorary degree of LL.D. in 1875. He took an active part in politics and participated in discussion on the burning problems of the day. As Chairman of the Reception Committee of the second Congress Session held in Calcutta in 1887, he said, “Behold in the Congress the dawn of a better and happier day for India. That we may live as a nation is the great object of the Congress.”

While the Association has naturally found glory in the glory of the departed great amongst Indians its catholic cultural outlook has saved it from being rudely insular. History itself is not replete with achievements like those of a Gladstone or Washington. It is not unnatural that the Association with an instinct for authentic presentation of history should take steps to perpetuate the memory of these men of outstanding abilities, in the shape of statues or otherwise.

### Landmarks

Not less important than the raising of a statue or a memorial is perhaps the task of preserving it. The Association believed that such preservation must take place under a National Act and under the guidance of a National Trust. In England the Society of Arts placed circular terracotta medallion on places of historical interests showing that such personages had lived there in such and such year or years. On a proposal from His Excellency Lord Curzon to do similar things in India, and on the request of the Government of Bengal, the Association furnished the following list of houses as deserving of commemoration, viz., houses occupied by Clive, Hastings, Francis, Clavering, Monson, Barwell, Impey, Sir William Jones, Sir Robert Chambers, Palmer, C. Grant, Thackeray, Sir Lawrence Peel, Lord Macaulay, Maharaja Nand Kumar, Maharaja Nobokissen, General Outram, Dewan Ganga Gobind Singh, Maharaja Krishna Chandra, Rani Bhabani, Raja Ram Mohun Roy, Pandit Iswar Chandra Vidyasagar, Joy Deva, Seraj-ud-dowla, the ruins of Pal Dynasty, the ruins at Gour, the ruins of the Palaces and Forts of Maharaja Pratapaditya and of the Capital of Sitaram Roy.

### Methods

In 1900, a draft Bill on the above subject was forwarded to the Association for the opinion. The Association welcomed the idea of preservation of ancient monuments but stressed that having regard to the interference with private rights and the association of the monuments and antiquities usually with religion, it was desirable to associate the Districts and Local Boards constituted under the Local Self-Government Act with the District Officer who was to be empowered to carry out the provisions of the proposed measure. This, it was thought, would avoid unpleasantness. The Association, however, objected to the application of the Land Acquisition Act for the acquisition of the private properties, as these antiquities under private ownership have practically little or no "market



value", and suggested that in awarding compensation the Collector should be associated with a specially constituted Board of Collectors or Jurors.

A further Bill on the subject was forwarded to the Association on November 1903. The Association while fully supporting the principle of the Bill made certain suggestions relating to Section 11 which dealt with compulsory purchase of ancient monuments. It also maintained that for deciding the question of valuation an expert should be associated with the Collector under Sec. 5 (4) for the proper computation of the artistic merits of a monument. The Bill was passed into law. The Association was glad that the act had been nobly conceived and worthily executed.

## CHAPTER VII

### FOOD AND AGRICULTURE

Agriculture provides the largest contribution in the National Income of India. But it is still mainly a gamble depending on rains and on labour that works blindly with methods that have not changed appreciably since they first came into operation.

The Association has all along keenly felt the want of proper agricultural education that goes at the root of improvement in the line. Moreover, there is no aspect related to agriculture which has not received its close attention. It has concerned itself with the development of cattle-wealth, provision of necessary finance, proper irrigation and drainage, marketing and price-stabilisation. Along with agriculture including production of cash crops, pisciculture and supply of fish, important factors in the economy of food, together with co-operative system of farming have engaged its close attention.

#### **Agricultural Education**

In pursuance of a resolution adopted in September 1901, at a Conference on Education held in Simla under the presidency of Lord Curzon, the Government of India invited the opinion of the Association on its proposal to establish a special school for the sons of landholders. Along with ordinary school course, the proposed school was intended to impart practical training to its pupils on such subjects as agriculture, survey of land and farm book-keeping. At a Conference held at No. 1, Middleton Street, Calcutta, residence of Maharaja Sir Rameswar Singh Bahadur of Darbhanga, then President of the Association, with the representatives of several landholders Associations of Bengal and



Bihar, including the British Indian Association, the proposal of the Government was rejected after careful consideration. It was stated that unlike in U.K. or U.S.A. farming in India was done mostly on a small scale and there was little scope for the sons of landholders to pursue agricultural avocations in preference to legal or technical training of other sort.

After the World War I, the cost of living rose very sharply. In view of the consequent necessity for increasing agricultural output, the growing need for vocational education and the increasing demand for opening out new avenues of improvement for middle classes, the Government had contemplated the desirability of framing a comprehensive policy of agricultural education. The Association considered Government's scheme dated December 19, 1927, for elementary agricultural education in the schools in Bengal to be of great benefit to the middle classes. Mr. Ranendra Mohan Tagore, an influential member of the Association, was very much enthusiastic about the imparting of agricultural training in the schools in Bengal. On his initiative, the Association circulated among its members a Government scheme on the matter for the support of the Bengal Zemindars. It was also sent to the Chairmen of the District Boards and Secretaries of H. E. Schools all over Bengal to popularise the scheme and to make the general students agriculture-minded.

### **Development of Cattle Wealth**

The Association had in view the development of the cattle-wealth of the country without causing undue burden upon any particular section of the community. In the mid-twenties Dr. H. W. B. Moreno introduced the BENGAL PASTURE BILL in the Legislative Council. It was opposed by the Association on the ground that it involved compulsory acquisition of the lands of the Zemindars through objectionable methods based on peremptory enquiry. When in 1932, Mr. Munindra Deb Rai Mahasay, M.L.C., introduced another Bill on the

same subject, the Association supported it insofar as it provided for purchase of land for use as pasture. Stringent measures were proposed for Brahmani or Khodai bulls in a bill introduced in the early thirties. The Association could not lend its support to the Bill, for these bulls were let loose after performance of religious ceremonies, and were protected by society for breeding purposes. Later, in a representation to the Commissioner of Police, Calcutta, the Association suggested that these bulls be properly housed in an enclosure under the supervision and cost of the Corporation of Calcutta. Unwanted bulls might be removed to rural areas.

Again, to create strong public opinion against the widespread evil of *phooka* a representative meeting was arranged in 1938. The Association took part in it and later in a representation to the Government of Bengal, denounced the method and urged for extension of the punitive sections of the Anti-phooka Act to the Bengal Districts. Maharaja Sashi Kanta Acharyya Chowdhury of Mymensingh was elected to represent the Association on the Livestock Improvement Association.

On April 24, 1945, the Association drew the attention of the Government of Bengal to the great shortage of cattle of all varieties, and of the bullocks and milch cows in particular. Fodder difficulty in the wake of the Bengal famine was one of the causes of this great shortage, which was aggravated by indiscriminate slaughter of animals to feed the civil and military population. As this unprecedented shortage interfered with agricultural work, the Association suggested larger importation of cattle, restriction on indiscriminate slaughter, control over the price of cattle and loans to agriculturists for purchase of cattle.

### **Agricultural Finance**

The Association has repeatedly recommended the co-operative way of solving the problem of agricultural finance. In the early years of the present century there was a proposal



to set up agricultural banks. Later, a Bill to provide for the constitution and control of Co-operative Credit Society was introduced in the Imperial Legislative Council in November, 1903. The Association welcomed it as a laudable move but could not agree to the principle of unlimited liability enunciated in Sec. 6 (1), as it would prevent agriculturists from becoming members of Rural Societies. Government of India accepted some of the recommendations of the Association. On the recommendations of a Conference of Registrars of Co-operative Credit Societies held in 1909, a Bill was drafted to widen the scope of the Act of 1904 and make certain other alterations thereto. The Association thought that the enlarged constitution and powers proposed to be given to Co-operative Societies were fully justified by the results of experiments of the past six years and recommended that statutory privileges should be extended to federation of Societies for the purpose of production and distribution as well as of credit. The division of Societies into those with limited and with unlimited liabilities also appeared to the Association to be an improvement.

(a) *Usurious Loans Bill*

Since the repeal of the Usury Law by Act 28 of 1855, the Courts had no alternative left to them but to award interest at the rate agreed upon by the parties, however extortionate the demand might be. "There could be no doubt that the result has been that money lenders have fleeced and ruined those that had come under their cultches" was the experience of the Association. So when the Hon'ble Khwaja Ghulam-us-Saqlain introduced a Bill in the U.P. Legislative Council to amend the local law relating to interest, the Association supported it and proceeded to suggest that the maximum as well as the minimum rate of interest should be fixed by the Legislature. In cases where the stipulated rate exceeded the maximum, the court should award such interest not lower than the maximum rate as might be considered proper. Subse-

quently, when the USURIOUS LOANS BILL was introduced in the Central Assembly, the Association welcomed it as it would protect unfortunate debtors and prevent their oppression in the hands of unscrupulous money-lenders. It felt happy that a minimum rate of interest had been provided for and suggested that for Bengal the maximum rate of interest should be placed at 18%. Mr. Yakub's detailed Interest Bill of February 9, 1928, seeking to limit interest charged on loans of various kinds was, however, disapproved by the Association as unnecessary.

Soon after, the great depression supervened and agriculture felt the shock most. Price of most articles tumbled down, but the prices of agricultural produce reached the rock-bottom level very soon. The President of the Association at the Annual General Meeting repeatedly raised the question of agricultural indebtedness and urged that loans be given to the agriculturists at a fair and reasonable rate of interest. He also suggested that economic price for their produce be assured to the agriculturists. To this end, Land Mortgage Banks founded on commercial basis and run on co-operative principles for the relief both of the peasants and of the zemindars were recommended by the Central Banking Enquiry Committee and the President of the Association endorsed this recommendation. The President, Mr. P. N. Tagore, took the initiative in framing a Land Mortgage Bank Subcommittee which was entrusted with the task of tackling the question of the introduction of Land Mortgage Bank for landholder. A scheme was prepared by the Association and sent to the Secretary, Department of Agriculture and Industries, for the consideration of the Government of Bengal. The Association also waited informally in a deputation on the Government on this matter.

(b) *Bengal Money-lenders Bill*

The BENGAL MONEY-LENDERS BILL introduced by Khan Bahadur Azizul Huq, M.L.C., proposed to place a check



upon unconscionable rates of interest. The Association pointed out the evils of usury but at the same time stressed upon the importance of money lenders in the rural credit system of Bengal. Commenting on the Amending Bill of 1940, Sir Bijay Chand Mahtab, President of the Association, criticised it as a clever move to separate other bankers from the indigenous bankers. The effect of this legislation would be, he felt, that the tenants who were already finding it difficult to get any credit, would get no financial assistance from any body to help pay their legitimate dues to the landlords and others. He was sure that this measure would have far-reaching effects in future.

(c) *Reserve Bank*

In 1937, in a representation to the Reserve Bank of India the Association emphasised the absolute necessity of some sort of organic relations, at least in Bengal, between the Reserve Bank and the indigenous banking companies. It then suggested that the Reserve Bank set up an adequate machinery of its own to act as a guide to the smaller banks and loan companies. It welcomed the proposal of the Reserve Bank for the extension of its operations to persons and firms, not being Scheduled Banks, engaged in the business of banking in British India.

The Association did not favour the harsh legislative measures for the relief of indebtedness as this would lead to shrinkage in credit money. Rather, the Association maintained, the State should direct its energy to better farming, better living, better marketing. Later, however, the Bengal AGRICULTURAL DEBTORS BILL was introduced in the Bengal Legislative Council by the Hon'ble Sir Khwaja Nazimuddin, K.C.I.E. To educate public opinion, the Association in a statement criticised the provision of the Bill which sought to threaten the credit structure of the country. The Association never failed to point out that though the professed objective of the Bill was to rescue indebted cultivators, the measure as conceived would in the end go against the genuine

interest of agriculture in the absence of scientific credit institutions in the country. The Association was throughout watchful of the interests of the creditor community and organised opposition to the Bill. In conjunction with other public bodies, such as the Bengal Landholders Association and the Mymensingh Landholders Association, it submitted a memorial on the Bill to the Governor of Bengal. In this matter keen interest was taken by Maharaja Sashi Kanta Acharyya Chowdhury of Mymensingh.

### **Drainage and Irrigation**

The Association has throughout emphasised the need for artificial supply of water for agricultural purposes, the monsoons being inadequate and fitful. At the same time, it has stressed that the cost of available irrigation water must be within the means of the cultivator. The question of rural drainage and water supply engaged the attention of the Association quite early. Babu Surendra Nath Roy made strenuous efforts in the Bengal Council to get something done, and, but for one vote, would have succeeded in his attempt. When the reforms under the Act of 1919, were in the offing, the Association in a representation to Government stated that the machinery provided for in the Bengal Tenancy Act to execute agricultural improvement by drainage of unculturable swamps or the storage of water for the irrigation of Boro rice was impracticable as the channel for drainage had to pass through more than one estate, a section of which might decline to co-operate. The provisions of the Bengal Drainage Act were not helpful in this respect. Section 3 of the Bengal Sanitary Drainage Act was equally useless. The Association was greatly worried over these difficulties in the way of legislation on the subject and suggested that legislative sanction should be given only to such improvements as were calculated to benefit the whole body of zemindars concerned. The Association pointedly suggested the enactment of a consolidating Act which would deal justly with the various rights and



lay down a simpler method of apportionment of cost. The Bengal Agricultural and Sanitary Improvement Bill was brought forward in 1920, with a view to cover small and large drainage schemes. The Association welcomed the Bill.

Referring to the BIHAR AND ORISSA IRRIGATION WORKS BILL which had been introduced in the Budget year 1922-23, the Association urged for a limit being imposed on the recoverable cost of inspection, a time limit for submission of account of actual expenses of irrigation works, and criticised the high projected cost of annual maintenance at 5% of the total road cess valuation. The Association pointed out that nobody should be held liable for payment unless his land actually benefited from the irrigation programme.

Being interested in better system of irrigation in India, and particularly Bengal, the Association availed of the opportunity of the visit to Calcutta in 1927, of Sir William Wilcocks, K.C.M.G., whose works on the Nile in Egypt and Constantinople had earned for him great fame, and arranged a lecture in its hall on ancient irrigation system in West and Central Bengal. This lecture evoked wide enthusiasm in the press and among the public.

### **Rural Development**

In 1935, the BENGAL RURAL DEVELOPMENT BILL which sought to deal with the dead and dying rivers so as to restore the decadent areas to health and prosperity was introduced in the Bengal Council. While the principle of the Bill was sound and important, the Association criticised those of its provisions which proposed further burdens upon the people at a time when agriculture had been passing through an unprecedented depression. It bluntly stated that unless their economic position was perceptibly improved through various other measures the people just could not bear that additional burden. It also objected to the provision for realisation of irrigation rates as public demand as it would go contrary to

the principle of rent as first charge and assign Government the position of super-landlord. When the Bill came out of the Select Committee, it was found to contain provisions against the interests of raiyats. The Association took up the matter in right earnest, conducted Press propaganda against the unsatisfactory provisions of the Bill and got into touch with the non-official members of the Council. Through the good offices of the President, the Maharajadhiraja Bahadur of Burdwan and one of the Vice-Presidents of the Association, the Hon'ble Sir Bijoy Prosad Singh Roy, the Association attained an unexpected measure of success, when it could persuade many of the prominent members of the Council to get the Bill amended in the interests of raiyats. In this matter the co-operation of the Hon'ble Sir Khwaja Nazimuddin, K.C.I.E., needs particular mention. Under Section 8 of the Bengal Development Act, 1935, Government issued a notification in the Irrigation Department on November 28, 1935, fixing the value of the average increase in the outturn from agricultural land in the Damodar Canal area on the basis of the price of paddy grain at Rs. 2-6-0 per maund. The average price being around Re. 1-10 as., the Association maintained that the inflated basis would cause great injustice to the tenants.

### **River Problems**

A questionnaire was issued by Government on the river problems of Bengal. In a detailed reply the Association held that the embankments in Western Bengal were directly responsible for the low fertility. Lands could not have annual flushing as in Eastern Bengal. The Association suggested facilities of storage of rainfall, of artificial canals, wells, tube-wells and so on. Inundation by demolition of embankments, though desirable as an idea, was not advocated by the Association on practical and other grounds. Accordingly, it recommended "controlled escapes and sluice gates through which silt-laden water may regularly flush enclosed areas."



The Association also suggested the setting up of some type of Improvement Trust to carry on the projected reforms for the health of the soil. It also considered the possibility of adoption of dredging in specified areas. It welcomed the proposal of having a River Commission to adjudicate various problems of inter-provincial interests, a Waterways Act, for the constitution of a Waterways Board and deplored the tendency in the country for having widened railways which would interfere with the natural flow of water in rural areas.

Owing to the breach of the Damodar embankment at Saktigarh in 1943, the Eden Canal was choked up with sands. The supply of irrigation water was affected, and to this the attention of the Government of Bengal was drawn by the Association. Government opened the canal for irrigation from October 15, 1944.

After independence, on the successful completion of important irrigation projects in the Districts of Bengal, the Association sent congratulations to the Irrigation Minister of West Bengal, Sri Bhupati Majumdar. In 1949, the Association criticised in a resolution Government of India's decision in the wake of devaluation to stop indefinitely further expenditures on the Damodar Valley Project. Holding that the project when completed would substantially solve the fundamental problems of food and rehabilitation of refugees particularly in West Bengal, it urged upon the Central Government to restore the cut and the West Bengal Government to make out a clear case so as to secure the Centre's aid.

### **Agricultural Prices**

During the depression of the thirties, the prices of agricultural commodities particularly of jute became so low as to make cultivation an unprofitable occupation. The Association urged for speedy relief. To enquire into the economic condition of Bengal, Government appointed the Board of Economic Enquiry on which the Association was represented. A questionnaire on the consolidation of agricul-

tural holdings in Bengal was issued by the Board of Economic Enquiry. The Association found that until the existing land laws and laws of inheritance were suitably modified, consolidation of holdings would not possibly make any headway.

### **Jute Restriction**

The sagging price of jute led the Government to set up the Jute Enquiry Committee. The Committee issued a questionnaire and invited the opinion of the Association. In a detailed reply the Association dealt with various aspects of the jute problems and offered its suggestions. It expressed its doubts about the success of voluntary restriction schemes of 1935, and supported compulsory restriction as part of the necessary economic planning if undertaken by Government. Accordingly, the Association supported Dr. N. C. Sen Gupta's JUTE GROWERS BILL which provided for compulsory restriction. The Association deprecated the system of granting allowances by the sellers in jute dealings and favoured a policy of standardisation of weights and of gradation of raw jute. It suggested a start in providing regulated markets and supported co-operative sale societies with license to warehouses. It did not favour, however, minimum price fixation, as it was apprehended that the minimum would become the maximum in a declining market. The Association deprecated reduction in manufacturing cost by cutting down the cost of raw materials but favoured lowering of profits of manufacture to eradicate the slump in jute trade. It advocated a policy of reduction of freight rates as a means towards recovery of jute industry. Giving its opinion on the Bengal Jute Bill it supported the scheme outlined in the Bill for the control and regulation of the production and distribution of jute. It suggested the formation of Provincial Jute Committee by Government with full powers to introduce scientific production and marketing of the crop. It laid more stress on the marketing of jute and offered some constructive suggestions in this regard.



### **Paddy and Rice**

As in the case of jute, so recession in price hit paddy and rice also. Export declined. The President of the Association urged price-fixation by legislation for rice, keeping in view reasonable margin of profit to the cultivator. The Association also suggested reduction in the rates of freight, charged by railway and shipping companies, imposition of duties on rice imports and provision of better marketing facilities. At the Annual General Meeting of the Association in 1938, Mr. Amulya Dhone Addy suggested abolition of export duty on rice and imposition of import duty on foreign rice. The Government of Bengal set up the Paddy and Rice Enquiry Committee. The Committee issued a questionnaire and invited the Association's replies thereto. The Association expressed doubts regarding the reliability of statistics of supply, demand and stock of rice on which the Enquiry Committee had relied. It advocated self-sufficiency in rice for Bengal and to that end suggested a correlation between the internal price of paddy and rice, abolition of export duty on rice and improvement of productivity of land through intensive cultivation. It urged the establishment of a Marketing Board on the lines adopted in England, favoured a standardisation of grades of paddy and co-operative marketing organisations, but could not agree to fixation of minimum price which would put a premium on inefficient production. On August 19, 1939, on the lines of the replies already forwarded by the Association Mr. Manmohan Singh Roy and Mr. Sachin Sen tendered evidence before the Committee on behalf of the Association.

### **Agricultural Marketing**

During the depression, the Association requested the Co-operative Department of the Government of Bengal to establish co-operative societies and grain stores so as to provide opportunities for co-operative marketing and to

advance loans to agriculturists on the security of their production. In a publication entitled "MARKETING FOR AGRICULTURE IN BENGAL" which received high commendation from competent authorities, Mr. P. N. Singh Roy, Joint Honorary Secretary, discussed the principles of marketing, the methods of marketing followed in the continents of Europe and America and made constructive suggestion to be followed in Bengal and gave an informative section on the marketing of jute in Bengal. In Bengal under autonomy, Mr. Tamizuddin Khan moved the AGRICULTURAL PRODUCE MARKETS BILL in the Legislature, seeking to provide for the registration and regulation of markets for agricultural products in the province. The Association on a close analysis found that it did not seek to improve the existing marketing arrangements in the interests of original producers or of ultimate consumers. It provided for the administration of markets through the establishment of a Statutory Market Committee in each area composed of elected and nominated representatives. The Association opposed the Bill as it considered it to be an indirect attempt to crush private markets in the name of control and was more political than economic in character.

It may be mentioned in this connection that Mr. P. N. Singh Roy, Honorary Secretary of the Association, was appointed a member of the Post-War Reconstruction Committee of Council Policy Committee on Agriculture, Forestry and Fisheries of the Government of India in 1942. He was also appointed a member of the Marketing Sub-committee of the Agricultural Policy Committee and was one of those who produced the Report on Marketing.

After the Great Bengal Famine in 1943, the Government of India in the Department of Education, Health and Lands, introduced in the Central Assembly the INDIAN RICE COMMITTEE BILL, 1944. The Association expressed its sympathy with the objects of the Bill which were to improve the cultivation, production and marketing of rice and of rice products.



It, however, opposed the proposal for imposition of rice cess on all paddy hulled in power mills and suggested that the cost of improvement, etc. should better be charged to general revenues. It advised the setting up of an export body under the Imperial Council of Agricultural Research to avoid conflict of jurisdiction with Provincial Governments. It also offered suggestions for making the proposed Rice Committee more representative and useful. At this time, Mr. P. N. Singh Roy, Honorary Secretary of the Association, published a booklet on the Planning of Agriculture clearly setting forth the views of the Association on post-war agricultural reconstruction. It dealt, among others, with international co-operation, principles of agricultural planning, food supply and nutrition, agricultural production in Bengal, the problem of manuring, the mechanisation of agriculture, irrigation and tenancy problems in Bengal, fodder crops and agricultural prices. The brochure was well-received in the Press.

### **Ravages of Nature**

There have been many and frequent visitations of nature—earthquake and flood, locusts and cyclone have brought in their train misery and ruin to large masses of men. The Association asked Government to keep a watchful eye, and wherever possible, to take appropriate steps to forestall such national calamities. It has itself come forward to organise relief to the distressed and the suffering and has raised contribution from among its members for extending help to unfortunate brethren rendered destitute by cyclone and earthquake, flood and famine.

### **Water Hyacinth**

The rapid spread of water hyacinth has been a menace to successful agriculture in Bengal. When the Government of Bengal introduced the WATER HYACINTH BILL early in the days of provincial autonomy, the Association extended its general support to it, but pointed out that it would defeat

its purpose if contribution for eradication of water hyacinth on the same level with that of the occupier of a notified area was not received from the Government. However, to the Water Hyacinth Week (23rd April to 30th April, 1939), launched by the Government, many members of the Association, advised by this body, extended their active co-operation.

### **Cyclone Relief**

A terrible cyclone hit parts of East Bengal late in the second decade of this century (October 1919). To extend relief to the people affected, the Government of Bengal set up the Central Relief Fund Committee on which Maharaja Sir Prodyot Coomar Tagore, President of the Association, and Raja Kishori Lal Goswami, another influential member, were appointed. On October 16, 1942, a cyclone hit the districts of Midnapore and 24-Parganas. To the Governor's Cyclone Relief Fund started promptly, the Association donated liberally out of its own funds. It issued an appeal to brother landlords to extend their active and full co-operation to the relief work in which some members of the Association had already rendered commendable service. The Government of Bengal was also requested to give necessary facilities to the non-official agencies working in the cyclone-affected areas of Midnapore. The President of the Association, Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga donated through the Association a sum of Rs. 25,000 to the Governor's Relief Fund and, in accordance with his desire, the Association started a special fund known as the Landholders Cyclone Relief Fund and issued an appeal to members for contributions to it over the joint signature of the Honorary Secretaries of the British Indian Association and of the Bengal Landholders' Association. The Government of Bengal nominated Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A., of Burdwan, to be a Vice-President of the Committee of the Governor's Cyclone Relief Fund and Sir B. P. Singh Roy, Kt., M.L.C., to represent



the Association on the said Committee. The sum of Rs. 300 earmarked by the Association for expenses in connection with a reception to Mr. P. N. Singh Roy, Honorary Secretary, on his being honoured with O.B.E., was also at the express wish of the latter, forwarded to the Relief Fund.

### **Bihar Earthquake**

North Bihar suffered heavy losses in lives and properties as a result of an unfortunate earthquake in 1934. The Association sent as the first instalment a sum of Rs. 1,000 from its fund to the Viceroy's Earthquake Relief Fund. Further contributions from members collected by the Association were sent as the second instalment. One of the very important members of the Association, Maharajadhiraja Bahadur Sir Kameswar Singh, K.C.I.E., of Darbhanga donated one lakh of rupees for the stricken people, though he himself had sustained a loss in the earthquake to the extent of about five crores of rupees. Mr. P. N. Tagore, President, in the course of the address at the Annual General Meeting of the Association on March 30, 1934, eulogised the Bihar landholders in the following terms : "We feel that the landlords of Bihar deserve our highest commendation for the gallant and heroic manner in which they have come forward to help their afflicted and stricken tenantry."

### **Flood Relief and Remedial Measures**

Ever since the abandonment of portions of the public embankment on the western bank of the Damodar river, loss of life and men and cattle and damages to houses and crops caused by the annual visitation of floods have been standing grievances of the people of a large number of villages. In 1902, Mr. Horn undertook exhaustive investigation but Government did not take sufficient action on his report. On receipt of numerous representations from affected local people, the Association suggested to the Government in a memorial that the Begua Khal should be maintained in an efficient condition to prevent the silting up of the bed of the

river and requested that the Begua breach be provided with a weir and a small canal cut, connecting the Kananadi with Rupnarayan at Bakshi. The matter was also brought to the notice of the Government by many a member of the Association in the Local Council. It appeared that Government later prepared a preliminary scheme for the prevention of floods in the Begua Hana tracts and for diverting the low floods at Damodar. However, nothing much came out of it, and a great flood devastated large parts of the country in 1913. At a Public Meeting in the Town Hall presided over by His Excellency the Governor and organised by the Association over a lakh of rupees was collected. The amount was distributed among the various relief parties for the relief of the sufferers in the Damodar Flood.

In the middle of 1915, great distress prevailed in the districts of Noakhali and Tipperah on account of heavy flood. Under the auspices of the Association, a Conference of representatives of the leading public bodies was held on July 26, 1915, under the Chairmanship of Raja Peary Mohun Mookerji, C.S.I., C.I.E. When an appeal was issued to the public for subscription more than Rs. 12,000 were received which was distributed to the relief organisation as follows :—

|                                                    |     |     |             |
|----------------------------------------------------|-----|-----|-------------|
| Ram Krishna Mission                                | ... | ... | Rs. 1,500/- |
| Dr. P. K. Acharyya (Sadharan Brahmo Samaj Mission) | ... | ... | Rs. 2,000/- |
| Shastri Hari Churn Ganguli (Bama Mission)          | ... | ... | Rs. 1,000/- |
| Dr. D. N. Mullick (Nursing Brotherhood)            |     |     | Rs. 2,000/- |
| Mr. A. Rasul                                       | ... | ... | Rs. 500/-   |
| Dr. D. N. Maitra (Bengal Social Service League)    | ... | ... | Rs. 1,200/- |
|                                                    |     |     | <hr/>       |
|                                                    |     |     | Rs. 9,050/- |

The balance was distributed for the relief of the sufferers from the famine in Bankura.



### **Deforestation and Floods**

In 1919, official enquiries showed that hill cultivation and clearing without precautions and deforestation of slopes to step up any kind of cultivation and their exposure to unrestricted grazing were both causing serious land slips to the detriment of the drainage of the Darjeeling District and were eroding the hill-side and destroying the river banks thereby causing violent floods in the plains. The Government recommended a Bill, to remedy those evils, which was generally approved of by the Association. But floods did not cease to cause disasters.

### **Relief Measures**

In 1929, natural calamity smote Assam. To the Assam Relief Fund that was set up to organise relief for the afflicted, the Association contributed its own mite. In 1935, large tracts of land were ravaged by floods in Damodar. Soon after the 12th August the embankment of the Damodar river was breached at several places and the great onrush of water flooded large areas in the districts of Burdwan, Hooghly, Bankura and Midnapore. The Association organised a meeting of the citizens of Calcutta at the Town Hall on August 26, under the presidency of the Hon'ble Sir Harold Derbyshire, Chief Justice of Bengal, to initiate relief measures. The meeting appointed a Committee with the Hon'ble Chief Justice of Bengal as patron, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan as President, Mr. P. N. Singh Roy and Sir Hari Sanker Paul, as Joint Honorary Secretaries and Mr. B. A. C. Neville, Secretary and Treasurer of the Imperial Bank of India, as Honorary Treasurer. The Committee made handsome collections.

### **Burdwan Flood**

In the wake of floods in the Burdwan and Presidency Divisions and acute distress resulting therefrom, the Association called a public conference on April 16, 1936, in the Hall

of the Association and set up a strong Committee consisting, among others, of Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan as President, Mr. S. K. Mitter, Mr. N. Singh Roy of the Association and Mr. A. C. Daniell of the Bengal Chamber of Commerce as Honorary Secretaries and the Secretary and Treasurer of the Imperial Bank of India as the Honorary Treasurer. The Bengal Scarcity Relief Fund which was started by this Committee rendered valuable services to the afflicted people. Floods afflicted the country again within a few years. There were floods in the Burdwan Division and scarcity resulting from previous floods in Eastern and Northern Bengal worsened the agricultural situation. On August 24, 1939, at a Conference of representative landlords of the Burdwan Division which the Hon'ble Sir B. P. Singh Roy, Revenue Minister, attended on special invitation, the Association unanimously adopted a resolution urging Government to grant necessary agricultural loans and seeds to the affected raiyats and carry on relief arrangements in co-operation with the landlords. Government was also urged to extend time to zemindars for payment of revenue without any penalty or on nominal penalty. The zemindars were requested not to realise the rents from their respective tenureholders and tenants. The Hon'ble Revenue Minister assured that Government would take all necessary steps in the matter. In pursuance of relief operations a further conference of the representative landholders of the Burdwan Division was held on August 31.

### **Damodar Flood**

In 1943, a great flood in Damodar again devastated the country, and seriously dislocated communications and thereby disturbed the military movements in the eastern theatre of the War. The Government of Bengal appointed an Expert Committee—the Damodar Flood Enquiry Committee—to formulate schemes for permanent remedial measures, and Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of



Burdwan, President of the Association, was appointed to be the Chairman of the Committee. To keep in touch with this Expert Committee and to guard the interest of the public the Association set up a Damodar Sub-committee consisting, among others, of—Maharaja Sris Chandra Nandy, M.L.A., of Cossimbazar, Hon'ble Mr. T. C. Goswami, Hon'ble Mr. T. N. Mukherjee, Rai Bahadur Nityananda Singh Roy, Mr. Deva Prasanna Mukherjee, Mr. Amar Nath Mukherjee, Mr. Pashupati Singh Roy, Mr. P. N. Singh Roy and Kumar J. C. Sinha. The Association submitted its views in details and suggested concrete remedial measures to the Damodar Flood Enquiry Committee.\* On March 8, 1944, evidence of the Association was taken in the matter and the Association was represented by the Hon'ble Sir B. P. Singh Roy, K.C.I.E., Kt., Mr. Pashupati Singh Roy and Mr. Deva Prosanna Mukherjee. The Flood Enquiry Committee submitted a unanimous report which was fully endorsed by the Hon'ble Minister-in-Charge of Irrigation Department in the Bengal Assembly. He assured that irrespective of costs the recommendations would be implemented for vital agricultural prosperity of Western Bengal.

In January 1944, however, the Government of India proposed to divert the flood water of the Damodar from Kumarkhali through the Deb canal to the Darakeswar in order to relieve pressure on the left embankment. The Collectors issued notices accordingly under Sec. 42 of the Bengal Embankment Act, 1882. This was a grave decision for it was apprehended that this would involve the ruin of a million men on the right bank over a vast area. The Association strongly protested against this move. Public opinion was canvassed and obtained and the Association held conferences with the prominent members of the Bengal Legislature, with important landholders and with representatives of the Press to impress its views upon all concerned.

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\* *Vide* Appendix.

## Famine and Food

Like floods and crop failures even famine has decimated enormous population of the country periodically. When early in June 1906, reports appeared of distress in Eastern Bengal, the Association urged the Government of India to supplement funds at the disposal of the Local Government and even to grant help out of the Famine Relief Fund which was, according to the pledge given by Sir John Strachey in his financial statement of 1877-78, formed out of the proceeds of the Public Works Cess and the License Tax. Government denied the existence of a Famine Relief Fund and mentioned that the resources at the disposal of the Local Government were sufficient. At the instance of the Association, most of the landholders showed their sympathy with the suffering humanity by suspending and remitting their rents and by making liberal grants in addition, to relieve their distress. Raja Peary Mohan Mookerji, C.S.I., President of the Association, urgently pressed in the Imperial Council Debate on April 20, 1908, for the appointment of a Commission to enquire into the ever-recurring famines.

The problem of famine became almost an annual feature during the second World War. During the War, the Association, consistent with its past policy, urged for stability-in-price policy, based on efficient farming. The real aim should be, it maintained, to keep food prices within the means of consumers, and to afford, at the same time growers their due return.

With the outbreak of the World War II, *food prices* shot up. This abnormal rise hit the poor people hard. The Association requested the Government in a representation to check the panicky rise of prices. Government took certain steps which tended for a time to keep these prices under control. But in 1942, the food situation became gloomy as the months rolled on. As early as August 12,



the Association in a representation to the Hon'ble Commerce Member, Government of India, drew his attention to the necessity of vigorously pursuing the *Grow More Food Campaign* along with an embargo on export of foodstuffs and other necessities of life. The Association maintained that the price of food-stuff should also be controlled and the same should be distributed under Government control in necessitous area. It urged that private traders should be utilised for the purpose but all must work with honesty and with a view to securing the object desired by the Government. The first rice forecast indicated a decrease of 783,000 acres in respect of area sown, and then occurred on October 16, a devastating cyclone in Midnapore and 24-Parganas ; yet it was revealed in a statement by the Hon'ble Sir Baron Jayatilaka on behalf of the Government of Ceylon that the Government of India had decided to export at least 20,000 tons of rice to Ceylon every month. Further, the Government of India had large commitments of rice to the West Coast of India which, the Association apprehended, would all come from the output of Bengal. Quoting the above facts, the Association sharply reacted to the Government's contradictory food policy that brought ruin and desolation to Bengal.

### Price of Rice

The Association drew the attention of the Government of India to continued rise in price and the widening of the gap between the controlled rate and the market price of rice due to the absence of adequate supply by Government. Wagon shortage and dearth of other means of transport were responsible to a very large degree for this soaring up of prices.

The Association addressed a similar letter to the Government of Bengal. It requested the various Chambers of Commerce of Calcutta to plan out concerted action so as to put pressure upon the Government of India, for the Association was apprehensive that if the present state of things conti-

nued, "the province is likely to face starvation at an early date."

At the Special General Meeting held on September 19, 1942, Maharajadhiraja Bahadur Uday Chand Mahtab, M.L.A., of Burdwan as Chairman drew Government's pointed attention to the soaring price and shortage of essential articles like paddy, salt, sugar, cloth and kerosene. He urged Government to make early arrangement for the supply of grains to the rural population at concessional rates. "I appeal to you, gentlemen", said he, "and through you to the Government and people of the province to consider the great danger ahead."

### **Embargo on Export**

In January 1943, the Association adopted a resolution, once again seeking "to impress on the Government the desirability of adopting a policy of embargo on export, consistent with the interests of India's defence, for the satisfaction of the needs of "the civil population". The Association recognised that there was an insistent need for an all India policy. In Bengal, a Distributing Trades Tribunal was set up but the Association urged that a comprehensive All-India policy should be set up on the food front which would act in collaboration with a provincial Advisory Board representing all the interests concerned. Mr. P. N. Singh Roy, O.B.E., Honorary Secretary of the Association, was appointed a Member of the Central Food Advisory Council constituted by the Government of India. He boldly placed facts and warned the authorities of the dangers of an impending famine.

### **Procurement**

At the Annual General Meeting held on March 29, 1943, Kumar Bimal Chandra Sinha moved a resolution in which he censured the Government for its unsatisfactory and ineffective measures regarding procurement and supply of



food, cloth and other essential necessities to the people at reasonable prices. He made it clear that in the face of an over-all deficit which had been admitted by Government's spokesman there was an equally insistent nature of local shortage. The export of food grains in ever-increasing quantity was highly objectionable in this context. He quoted figures to show that the exported food-stuff had gone up not only in value but in actual volume. To meet the shortage, he demanded better transport facilities. He stressed that "if there has been any hoarding, it has been hardly done by actual tillers or poor peasants, but by businessmen and profiteers—and by the Government". According to the statement made by the Hon'ble Mr. P. N. Banerjee, Minister, Government of Bengal on March 26, 1943, Government's purchase price of rice varied between Rs. 5-7-0 to Rs. 6-4-0 but the sale price of rice was anything between Rs. 11 and 14-14-0. Wrong monetary policy pursued by the Government was another cause of the soaring prices. The statement also revealed that the Ministers of Bengal had little independence in the matter. Kumar Bimal Chandra Sinha after an exhaustive survey of the situation urged, among others, a better monetary policy, radical overhaul of the Denial Policy and complete embargo on food export.

### Coming Events

Speaking on the same resolution, Mr. P. N. Singh Roy deplored that while the food situation grew critical Government simply toyed with the idea without doing anything in the matter.

"Announcement of appointments of high salaried officials, constitution of Committees which probably will never meet, the calling of conferences, the promulgation of ordinances and the issuing of communiques may well defeat a censure motion in the legislature but cannot put food into hungry mouths. Statistical manœuvring may delude some people for all times and all people for some time but not all people for all times."

In the context of the Bengal famine which was to decimate millions of people in the concluding months of 1943, this was indeed a prophetic utterance.

Government took certain steps which far from bringing food to the hungry only aggravated the general confusion. The Association expressed regret over their action.

The difficulties of the people in connection with scarcity and high prices were discussed by Mr. P. N. Singh Roy, Honorary Secretary of the Association with Mr. H. S. Suhrawardy, the then Minister for Civil Supply, and the Association placed the difficulties of landlords with the Director of Civil Supplies.

### **Feeding of the Poor**

Though their own difficulties had been mounting the landlords at the express insistence of the Association, organised the feeding of hundreds of poor people in their respective areas, apart from rendering monetary help to the relief arrangement, because the famine condition had grown very much acute.

At a meeting of the Committee of Management held on August 26, 1943, the Honorary Secretary Mr. P. N. Singh Roy informed that many landlords in different districts were organising the feeding of the poor and helping the distressed. He was of opinion that these private efforts and charities offered no final solution to the problem but they went a great way in easing the acuteness of the distress. At the All-Bengal Landholders Conference held on September 13, 1943, in the hall of the Association under the presidency of the Hon'ble Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga the emergence of famine condition in the Province and the worthless policies of the Central and Provincial Governments were looked upon with grave concern. In a resolution the Conference recorded that at long last the



Central Government had awakened to the necessity of importing foodstuffs from other Provinces of India to relieve Bengal. It noted with satisfaction

“that the landholding community true to its traditions of service to humanity is striving in its own way for the alleviation of the sufferings of the people and that the landlords are taking a leading part in organising relief arrangement throughout the provinces.”

Mr. P. N. Singh Roy produced a brochure entitled **FOOD POLICY IN INDIA**, just before the food debate in July 1943 Session of the Bengal Legislature. The pamphlet was well received both in the Press and by the public and so great was the demand that the publication was soon out of stock.

### **Long-term Measures**

When the system of rationing was introduced, the Association drew the attention of the Government to the necessity for supplying *atap* rice to Hindu widows and an adequate quantity of rice for *deva seba* and Sradh ceremony so that infringement of the religious rights of the Hindus did not take place. The Association also urged Government to supply seed, particularly of wheat, to increase the production of wheat crop in Bengal. Before issuing the **BENGAL FALLOW LAND CONTROL ORDER** for extending cultivation of fallow lands, the Government of Bengal consulted Mr. P. N. Singh Roy, Honorary Secretary of the Association, who submitted a Note containing criticisms and constructive suggestions. In the Note it was pointed out that despite heavy pressure on land in Bengal, lands were left fallow because of soil erosion, scarcity of water and labour, and unremunerative agriculture. The Note criticised that while Government ordered private individuals to extend cultivation, they themselves shouldered no responsibility in supplying loans at low rate of interest, or irrigation water or improving the sanitary condition.

The Association kept up its interest in the all-important question of food through the difficult years of the war and even beyond. Government of Bengal and India became wiser after the Great Famine of 1943, and adopted steps which, however, erred on the side of extreme rigidity. But scarcity remained, high prices continued, and on top of these came governmental interference and nation-wide tampering with the habits and requirements as well as conditions of private lives of the people.

After the harrowing experience of 1943, Government made some serious efforts towards increase in food production; but these, though well-meant, were not always well-thought out. Thus, under the Bengal Food Crops Production Control Order, 1944, in case a person failed to bring any notified waste land under cultivation, such land could be placed under the Defence of India Rules in the exclusive possession of any other person for a specified period. Upholding the standpoint of the occupancy tenant, the Association sought clarification in a letter as to what would happen to the occupancy tenant when the new permit-holder took possession, for under the Bengal Tenancy Act the occupancy tenant could not be thus dislodged.

### **Enquiry Commission**

The Government of India in 1944, announced the Constitution of a FAMINE INQUIRY COMMISSION to investigate the causes of food shortage and epidemic in India and, in particular, in Bengal. At once the Association by wire urged upon the Governor-General to include a non-official Bengalee in the Commission both to ensure popular co-operation and an appreciative study of the special problems of Bengal. Subsequently, the Association submitted a lengthy memorandum to the Commission on the Causes of the appalling famine in Bengal in 1943. The following were listed in the memorandum as principal causes of the famine :



(1) Cessation of food imports from Burma, etc. while there was an unprecedented influx of population from territories recently overrun by Japan, (2) Continuation of food exports, (3) Shipping difficulty, restriction on boat movement and removal of rice from denial areas, (4) Natural visitation like the Midnapore cyclone, (5) Increased circulation of currency and hoarding habit among private traders, (6) Administrative failure in evolving co-ordinated action, controlling prices, raising production internally, or stamping out hoarding and black-marketing. Dealing with long-term measures for the prevention of shortage in future, the Association mentioned that small and uneconomic holdings, primitive methods of cultivation, low yields and increasing population were serious drawbacks of the Indian economy.

On September 5, 1944, at Tripura House, Calcutta, before the Famine Inquiry Commission the Association was represented by Mr. P. N. Singh Roy, O.B.E., Kumar Bimal Chandra Sinha, Kumar J. C. Sinha and Dr. Sachin Sen, M.A., B.L., Ph.D., who tendered evidence on the line of the memorandum submitted before. Besides the Chairman, Sir John Woodhead, Dr. Akroyd, Mr. Ramamurthy, Khan Bahadur Mian Afzal Hussain, and Sir Manilal Nanavati from among the members of the Commission, put searching questions to the representatives of the Association. In his evidence Mr. P. N. Singh Roy deplored the lack of a comprehensive plan by the Central or Provincial Government though forewarned by the Association about the impending danger. This lack of plan was evident in their competitive buying programmes, failure to stop food exports in time and to take necessary steps for implementing the "Grow More Food Campaign". He stated that the landholders were not unwilling to raise production if they were provided with improved seeds and better irrigational facilities, by Government. He also explained how with the help of landholders, Government could maintain regular statistics of lands held and culti-

vated, crops raised and shared, etc. though for other details regarding area under crops, nature of crop sown, a comprehensive plot-to-plot agricultural survey was necessary. He thought that the landless labourers could be gradually absorbed into cottage industries, if Government pursued a sympathetic policy. Dr. Sachin Sen explained how the introduction of the provisions of the Bengal Tenancy Act had changed the character of Permanent Settlement and hampered agriculture.

Government of Bengal in the Revenue Department notified in 1944, that no cropping should be resorted to in those areas which might be acquired by Government for strengthening the bunds of Damodar basin. In the interest of greater food supply, the Association suggested that cultivators might be allowed to till those lands until they were actually acquired. Government, however, replied to say that they would be required by the Irrigation Department before the harvesting season so that efforts at raising crops there would be merely wasted.

### **Post-famine Measures**

Thinking that the worst days of famine were over and that the Government of India could now relax a bit, an announcement was made in January 1945, by Government that Calcutta would cease to be an exclusive charge on the foodgrains resources of the Central Government. Against this decision the Association made a representation to the Food Member, Government of India, in which Calcutta's importance as the base for Far Eastern war affairs was duly stressed, and a point was made of the waning public confidence in the competence of the Government of Bengal to feed greater Calcutta without hindrance to the interests of the moffussil area. It was emphasised that without central aid, strengthening of provincial food resources with outside help was not possible. In this connection Sir Jawala Prosad



Srivastava, the Central Food Minister, came down to Calcutta and called a Conference which was attended by Mr. Fazlul Huq, Chief Minister, Bengal, Mr. Nalini Ranjan Sarker, Finance Minister, Sir Bijoy Prosad Singh Roy, Sir Abdul Halim Ghuznavi, Shri Gaganbehari Lal Mehta of Indian Chamber of Commerce, Shri K. C. Neogy, Mr. P. N. Singh Roy and Mr. B. R. Sen, I.C.S. At the Conference Mr. P. N. Singh Roy pressed that the Central Government should feed Greater Calcutta. As the Food Member, Sir J. P. Srivastava, proved adamant, the Association made a last appeal by a telegram to the Viceroy Lord Wavell. Government of India promptly announced that the feeding of Calcutta was to be a Central responsibility as heretofore.

### **Stable Price**

The erratic movement of the prices of agricultural produce, principally rice, was proving unremunerative to producers and ruinous to consumers. In a representation in November 1944, to the Minister for Agriculture, Government of Bengal, the Association argued for a stable and fair price.

In July 1945, it moved the Government of Bengal, drawing their attention to the unremunerative nature of controlled prices of paddy, whereas the prices paid by ultimate consumers were high, and charged them as "a party to profiteering, causing hardships to both producers and consumers". In August, it adopted a resolution protesting against the Government of Bengal's decision to export large quantities of rice out of the province in spite of the fact that Government has failed to control consumption of rice throughout the provinces, or even to keep the price of rice in check, and although the great majority of the people were ill-fed and ill-nourished even then. It expected that the Government would be first just to feed the people under their care.

On September 14, in a representation to the Government of India, the Association forecast gloomy prospects of

rice position in Bengal. It apprehended a substantial fall in production owing to drought in some areas and floods in others. It mentioned that already there was general scarcity of rice and in rationed areas the price of rationed rice was beyond the purchasing power of the average consumer while, thanks to the procurement system, the cultivator was not getting remunerative price. It warned that "there will be another devastating famine in the beginning of 1946, unless procurement operations from beyond the province are started on a large scale." Government, heedless of this warning, went on issuing assuring statements up to December 1945, but in the second half of January 1946 it burst upon the people with the statement that India was faced with a possible seven million ton food shortage, and that a menacing famine would overpower India within a couple of months.

### **The Report and the Future Famine**

The Report of the Famine Inquiry Commission came out and it was a document of indictment of Government's blundering policy which led to the grave results of 1943. Another famine was looming large again. A call for public co-operation was issued. Lord Wavell contacted the top-ranking political leaders, including Mahatma Gandhi, Mr. Jinnah and Moulana Azad. A Food Mission consisting of officials and non-officials was sent to U.K. and U.S.A. to place India's cause before the London Food Council and the Combined Food Board at Washington. Owing to practical difficulties, not much assistance was secured from these quarters. Cereal rations in the rationed areas of Bengal were drastically cut from 4 seers to 2 seers 10 chittacks per adult per week with effect from March 1946. Criticising this drastic decision in a strong representation to the Food Minister the Association stated that "public confidence is naturally shaken by the continued negligence and repeated bungling by Government." As remedies, it prescribed that "Government should take the public into confidence, try their best to accelerate



imports, scrupulously ban exports, provide for equitable distribution, ruthless suppression of bribery and corruption and mending of inefficiency.”

### **Food Policy**

On the basis of the KHAREGAT MEMORANDUM, the Government of India announced an agriculture and food policy. Due note was taken of this by the Association. The objectives of the policy were to increase the efficiency of the method of production of food and raw materials of industry, and of marketing and distribution, to secure fair wages for agricultural labour, improved standard of living for the rural population and a remunerative price for agricultural output. In view of the impending famine, the Association felt that the announcement of such a policy was of no gain, unless it was implemented.

Food and cloth crisis in India formed the subject of a lively debate at the Annual General Meeting of the Association on March 28, 1946. Moving a resolution on the subject, Mr. P. N. Singh Roy deplored how the Association's repeated warnings had been lost upon the Government while responsible personages like the Hon'ble Sir J. P. Srivastava, Food Member and Mr. B. R. Sen, Director-General of Food, gave assurances of no famine. Yet, in March, the spectre of famine was casting its shadow upon India. He concluded :

“In a free country the events of 1943, would have brought about a revolution. India tolerated them silently because she is a conquered country and suffering is the badge of her people. Nothing but a National Government can improve matters. It will not only do what can be done to meet the impending danger of a devastating famine but would also be in a position to avert it in future.”

As the food position continued to be critical during the year, on April 9, 1946, in a letter to the Food Member, Sir J. P. Srivastava, the Association drew his attention to the

fact that food stocks in adequate quantity had not been built up, that exports despite official denials, were taking place while imports were slow and the Combined Food Board appeared rather unsympathetic. The Governor-General, however, later gave an assurance to ban food exports. The Association had also mentioned in the said representation that the recent cut in rations in Bengal would definitely devitalise the people who would fall an easy prey to various diseases.

### **Other Crops and Measures**

The potato season came, and although the Government of Bengal had established about 600 seed stores in different parts of the Province, there was no supply of seed and oilcakes for the farmers, particularly in the Burdwan range. The Association found on enquiry that the provinces which usually supplied oil-cakes to Bengal had put a ban on its export to Bengal and that supply of seed was not being handled by any Government Department but by approved dealers recommended by high Government Officials. The result was that production of vegetable crop suffered.

An unofficial movement was started in 1949, in view of scarcity of food grains, calling upon the people in the rationed area to miss-a-meal per week and draw 1/14th of their weekly ration less per week. It was contended that the movement would generate a new national consciousness and force down wheat and rice prices in the black-market, besides its other incidental spiritual and moral advantage. The Association suggested that the movement should be directed in non-rationed areas as well, because in the rationed areas the allotted quota was already low and the rationees were but a percentage of the total population of the country.

### **Fish Supply**

Fish being an important item in the menu of an average Bengali, pisciculture and fish supply, like food, has had the Association's careful attention throughout. The Association



nominated the Hon'ble Babu Radha Charan Pal to represent on the Advisory Fisheries Board constituted in October 1908, on the recommendation of the Hon'ble K. G. Gupta who was appointed Fishery Commissioner for Bengal to investigate the Condition of fish supply in the province to increase the food supply of the people.

Criticising the BENGAL FISH FRY PRESERVATION BILL which was introduced in the Bengal Legislative Council in October 1928, the Association in a representation stated that instead of investing local thana officers with the power to prevent wanton destruction of fish fry, the matter should better be left in the hands of experts. The BENGAL FISHERIES BILL was introduced in the Bengal Legislature in 1939. It provided against settling of any fishery with any person other than a fisherman or co-operative fisherman's society. Giving its opinion on the Bill, the Association argued against unnatural restriction of competitive forces which would hamper the development of fisheries on a commercial scale. Nor could the Association favour the provision concerning the settlement by Government of fair rents of fisheries. On the same grounds as above, the Association also had opposed the Bengal Fisheries Bill, 1937. At a meeting organised by the Association on January 26, 1938, Dr. S. L. Hora, Director of Fisheries, Government of Bengal, elaborated a scheme of fish culture in paddy fields, specially in the Sunderbans. In 1946, a Bill to amend the Indian Fisheries Act 1897, was introduced in the Bengal Legislative Council. The Association was in general agreement with the object of the Bill which sought to regulate the fisheries in Bengal and to prohibit fisheries of any and every species of fish.

### **General Agricultural Improvement**

General agricultural improvement of the country ensuring higher yield per bigha has been stressed by the Association. At the Annual General Meeting of 1906, Rai Bahadur

Sitanath Roy commended the recent organisation by Government of India of the Agricultural Department and the establishment of the Pusa College for training workers in agriculture ; for, said he, "the great benefactor of humanity is he who can make two blades of corn grow where one grew before."

In its address of welcome to Lord Chelmsford in 1917, the Association laid stress on the economic improvement of the country. The reply of the Viceroy indicated the position of trust, responsibility and honour the Association enjoyed in the official world. The Viceroy said that Mr. Finlow's experiment with jute and Mr. Hector's investigation into paddy had borne practical results, "but the full fruit of such labours will not be reaped until the knowledge gained has been disseminated among the cultivators, and those of you who are large landowners have special opportunities of assisting in this good work." Of course there were experiment farms under Government management, but the Viceroy queried that

"there is no reason why all these farms should be under Government. If large landowners would establish such farms on their estates they would confer great benefits on their tenants, while at the same time they would improve the value of their own properties. In my opinion there is no way in which large landowners could better promote the particular object for which your Association was founded."

Under the Reforms Scheme of 1919, agriculture was a transferred subject and agricultural development was to depend a great deal upon Provincial initiative. Government of India was considering the scheme for the formation of an Indian Agricultural Society with objects generally similar to those of the Royal Agricultural Society of England. Such an organisation of a quasi non-official character was proposed to be set up at the headquarters of the Government of India. The Association strongly supported the scheme and gave a list of the Zemindars who had intimated their willingness to join the Society either as a Governor or as a Member.



In 1931, the BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT (AMENDMENT) BILL was introduced in the Bengal Legislative Council. Convinced as to the Government's intention to extend all facilities for agricultural improvements, the Association fully supported the Bill.

Before the Royal Agricultural Commission in October 1926, and before the Congress Agrarian Reforms Committee in 1948, the Association submitted lengthy memoranda outlining its views on how best to improve the agricultural situation in the country. The first memorandum dwelt at length on such important subject as agricultural education, research and demonstration, irrigation, implements and fertilisers, finance, co-operation and marketing. Separate sections on crop protection, animal husbandry and the welfare of rural population were also added to it. On the special problems of agriculture in Bengal the memorandum contained suggestions from the Association. But without being tied to Bengal only, the Memorandum dealt particularly with such subjects of all-India importance as co-ordination of Central and Provincial research and activities of Central and Provincial agricultural departments, etc.

The Association submitted detailed replies to the questionnaire issued by the Congress Agrarian Reforms Committee. The questions mainly turned on the issue of land-tenures in India. The Association submitted a plan for remodelling the land-tenure system of India on co-operative basis. This co-operative system of farming will be discussed in detail in the Chapter on land-tenures.

## PART IV

### CHAPTER I

#### DEVELOPMENT OF SELF-GOVERNMENT

The Association enthusiastically espoused the cause for development and growth of self-governing institutions in India. It knew fully well that the foundation of our political progress or constitutional advancement would be truly and firmly laid at the village and town administrative units. During the last fifty years which saw the emergence and consolidation of self-governing institutions in India, the Association applied itself to the task of improving municipal life by offering suggestions for their proper working. It had helped such institutions with competent men from among its members to guide and direct their activities.

##### **The Municipality of Calcutta**

To watch the working of the Calcutta Municipal Act the Association set up a Sub-committee in 1902.

On August 23, 1902, a Conference of leading representatives of the rate-payers of the different wards was held under the auspices of the Association to consider the hardship experienced by the rate-payers under the operation of the Municipal law current at the time.

##### **Assessment**

To prevent periodic revision of assessment becoming both annoying to tax-payers and inevitably involving higher charges, Mr. Radha Charan Pal, a member of the Association, took great pains as a Commissioner of the Calcutta Municipality to ensure that record should be kept of the details of each revised assessment, a copy of which would be made available to the rate-payers on application. At the Annual General Meeting of 1903, Mr. Pal made it a point of grievance



that whereas all the rate-payers of Calcutta paid the same rate of tax, viz.,  $19\frac{1}{2}\%$ , the European quarters were far better attended to than the Indian quarters.

### Death Duty

In 1904, Mr. Pal drew the attention of the Annual General Meeting to the rumoured imposition of a 5% death duty on all property-holders in Calcutta and Government's reply to the question on the point put by the Hon'ble Bhupendra Nath Basu in the Bengal Council. As far back as 1872, General Sir Henry Norman speaking on the subject of Municipal taxation in the Imperial Legislative Council urged for the fixation of a percentage, on the income or property taxed, which should never be exceeded. "Considering the poverty of the bulk of the people" he maintained, "it was far better to do without some desirable improvement than to create hardship and discontent by excessive taxation." Actually, the Municipal taxation had been rising every sixth year since 1888, when, in the case of residential houses, the rental basis of valuation was substituted by the estimated value of land and present cost of buildings. The assessment of residential houses was, therefore, a mere guess work, and every time it was revised, it was increased. The Government Commission, comprising some of the tried and experienced officers of Government, known as the Buildings Commission appointed early in the twentieth century, stated that taxation in the city was almost at its maximum and pressed heavily on all classes, while house-owners had to bear taxation out of proportion to the burdens placed upon the shoulders of owners of other classes of property. However, their concrete suggestions for raising additional revenues by means other than an increase in the annual valuation were thrown out by Government.

In 1905-06, owing to the prevalence of plague the system of election was suspended and the rate-payers of Calcutta

were put under heavy taxation. Mr. Kalinath Mittra, C.I.E., pressed the Association to urge for the appointment of a Commission of Enquiry into the Municipal Administration of Calcutta. Mr. Radha Charan Pal criticised the financial administration of the Calcutta Corporation which was carrying on with deficit budgets for the previous few years. He apprehended a rise in the rates beyond 19½% despite the relief to the Corporation finances by the considerable increase at the time in the valuation of the town. He regretted that Government's unwillingness to get back the balance of their high-yielding loan to the Corporation stood in the way of the Corporation taking up important works such as the drainage of the fringe area, surface drainage of the suburbs, extension of market, improvement of water supply, etc., by borrowing money from the open market.

### **Representation**

In 1907, speeches were made by Mr. Pramatha Nath Mullick and Mr. Charu Chandra Mullick complaining that while the Bengal Chamber of Commerce and Trades Association had two representatives each on the Calcutta Corporation, a most representative body like the British Indian Association had none at all.

### **Building Regulations**

In 1908-09, before the Committee appointed by the Government of Bengal to examine the Building Regulations of the Calcutta Corporation, the Association suggested that the harsh provisions should be amended in the light of the needs, local customs and domestic economy of the people. Rule 29 of the Building Regulations of the Corporation of Calcutta recommended erection of buildings of warehouse class, without complying with the requirements of the open spaces, right against and even attached to residential buildings. The Association moved in the matter and welcomed a draft



rule introduced by the Corporation to amend Rule 29 to protect the interests of the owners of residential houses.

On the ground of an unnecessary increase in the cost of construction of buildings which it would involve, the Association disapproved in 1912, of a proposal that the General Committee of the Corporation of Calcutta should prescribe architectural styles or lay down some general standard in this regard and in regard to the height of the sky-line of the buildings in particular streets. The Corporation of Calcutta in 1913, prepared a scheme to prevent haphazard development of vacant town and suburban lands which were then unsuitable for building purposes. It proposed to secure sanitary conditions through the agency of the Corporation and the co-operation of the owners. The Association apprehended, however, that many difficulties would arise in practice owing to the complexity of Hindu and Mahomedan laws. Owing to the prospective loss of rent for a number of years or interest on their capital, the landlords also might not take kindly to the scheme.

### **Executive Function**

On the resolution of the Government of Bengal dated July 21, 1913, proposing amendment of the Calcutta Municipal Act, the Association urged for the adoption of the Bombay system under which the executive functions of the municipality were performed by an officer and the Chairman of the Corporation only presided at the meeting of the Corporation. The Association suggested a total strength of 74 members for the Corporation Council, half to be elected by the rate-payers of the different Wards and half to be nominated by the Government. The Association was opposed to the special representation of the Mahomedan community on the ground that communal representation, invariably gave rise to racial ill-feeling.

In view of the fact that Government were considering to amend the Calcutta Municipal Act, the Association arranged for a public meeting in the Town Hall which was convened by the Sheriff of Calcutta and presided over by the Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan. The Conference resolved that the constitution of the Calcutta Corporation would be so revised that the office of the President be separated from that of the head of the Municipal executive ; that both the posts should be filled up by election by the Municipal Commissioners subject to confirmation by Government ; that at least 2/3rds of the members of the Corporation should be elected by the different Wards and that the authority of the Corporation should be supreme and all proceedings of the executive and of committees should be liable to revision by the Corporation as under the Act of 1876 and 1888.

### **Improvement of Burra Bazar**

In 1917-18, six schemes were suggested by the Corporation of Calcutta for the improvement of Burra Bazar on which the opinion of the Association was sought. The Association found five of them impracticable and the scheme based on *lex adickes* was thought not to enlist the support of public opinion. They were also unacceptable on financial grounds. The Association emphasised the urgency of improving the sanitary condition of Burra Bazar by measures which would not cause any violent disruption of the existing order.

### **Town Planning**

In January 1921, Government of Bengal forwarded to the Association a copy of a BILL OF TOWN PLANNING for its opinion. It was more a Development than a Town Planning Bill and the Association repeated the opinion it had expressed as far back as January 1917, to the Calcutta Corporation on the subject of the development of Burra Bazar. The Association objected to those provisions of the Town Planning



Bill in which the precedence of the Bombay Act had been departed from by making the house-owners responsible for the payment of the cost of the whole of the development scheme. The Association contended that the practical effect of the Bill would be that only wealthy people would be able to reside in the town while the majority of the middle-classes would be driven away and the proposed improvements would be enjoyed not by the owners but by outsiders. The Bill also did not indicate how the proportionate share of the costs would be apportioned among the owners, the town people and the future generations. The Association pointed out that in England such costs were divided half and half between the owners and the local authority.

The Association deputed Mr. Gokul Chandra Mondal as its representative to the Conference which was held on February 9, 1922, to discuss with the Government of Bengal the policy and principles of the Bengal Town Planning Bill.

Participating in the debate on the Calcutta Municipal Bill on November 30, 1921, in the Bengal Legislative Council, Lieut. Bijoy Prosad Singh Roy, an active member of the Association, regretted that there was the "most unpleasant question of communal representation". "It is a principle", he declared, "which, if pressed too far, will only create a complete cleavage between the two communities whose interest it is to live in perpetual harmony . . . ."

### **Calcutta Municipal Bill**

On July 3, 1922, the CALCUTTA MUNICIPAL BILL of Sir Surendra Nath Banerjea was referred to a Select Committee consisting amongst others Rai Radha Charan Pal Bahadur, Mr. Amulya Dhone Addy and Mr. Tarit Bhusan Roy who were members of the Association.

On February 12, 1923, the Select Committee Report on Calcutta Municipal Bill was presented to the Bengal Council. In the debate that ensued, prominent members and office-

bearers of the Association like Raja Reshee Case Law, Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, Mr. Amulya Dhone Addy, Kumar Shib Sekhaheswar Roy and Lieut. Bijoy Prosad Singh Roy took an important part and contributed not a little to the passage of the Bill.

In a lengthy representation on the Calcutta Municipal Bill, the Association approved of the reservation of 13 seats for the representatives of the Mahomedan community to be elected by the General Electorates as being the best in the circumstances. It was, however, strongly opposed to the proposal for the abolition of plural voting. It observed that a person who held property in different constituencies had naturally a larger stake and a greater interest in city affairs than another who owned property in a single constituency only. The former should have larger voting rights than the latter. Indeed, this system had worked successfully so far and there was no valid reason for altering it. As the value of the property greatly depended upon the Municipal amenities, the owners' right to plural voting was based upon his desire to see his property improved and developed. The Bombay Act allowed cumulative vote and English precedents were not wanting either. This protest against the abolition of plural voting, however, went unheeded.

Maulvi Shamsuddin Ahmed, M.L.C. suggested the separation of Garden Reach and Cossipore-Chitpore area from the Corporation of Calcutta in an amendment to the Calcutta Municipal Act in 1929-30. The Association, however, wanted the prevailing arrangement to continue as it thought that the expansion of Calcutta was of paramount importance to the middle and poor classes.

When a few years later Maulvi Abul Kassem sought by means of an amendment of the Act to perpetuate communal electorate in the Calcutta Corporation the Association stoutly opposed it. Other amendments kept on coming from time



to time. The Association considered them from the standpoint of the promotion of the interests of the rate-payers of Calcutta, and approved of or opposed the proposals on their individual merits.

### **Appointment in the Corporation**

In 1933, Sir Bijoy Prosad Singh Roy, Minister-in-Charge of Local Self-Government Department and a prominent member of the Association, moved an amendment to the Calcutta Municipal Act, 1923. By this amendment Government of Bengal proposed to put a stop to appointment of undesirable persons in the service of the Corporation of Calcutta. It also conferred on the Corporation the right of reimbursement through disallowance, surcharge, etc. of the loss of its property or funds due to the neglect of its employees, Councillors or Aldermen. In brief, it sought to prevent misuse of civic powers, without curtailing the same fundamentally. The Act was amended accordingly.

In 1935-36, through an amending Bill Mr. N. K. Basu suggested that security of tenure for officers of the Corporation was essential for efficient service. The Association felt that permanence of service for principal officers of the Corporation might make them neglectful of their duties. Accordingly, the Association suggested contractual service for the officers for five years with provision for renewal and extended general support to the Bill.

In 1939-40, the Government of Bengal proposed to amend the Calcutta Municipal Bill and sought the opinion of the Association on the changes proposed. The Association found that by the changes Government proposed to curtail the powers of the Corporation on the plea of improving the administration. But the Government had not proved that its existing powers of supervision were inadequate to remedy the defects complained of. The Association contended that the

Provincial Government should not be clothed with the authority to suspend any resolution of the Corporation or any of its committees or sub-committees, nor to supersede a department of the Corporation nor dissolve it. The Association favoured the appointment of the Chief Executive Officer by the Bengal Public Service Commission and was opposed to the idea of lowering the qualifications of electors.

### **Financial Problem**

During the period of World War II, and thereafter the Corporation of Calcutta was faced with acute financial difficulties. The Chief Executive Officer, Calcutta Corporation, in presenting the Budget Estimates for 1946-47, suggested the increase of Corporation rate by 2% to 21%. This was the condition precedent, it transpired, to the Corporation being considered eligible to receive additional financial help from the Provincial Government in its financial distress. The Association observed that the Corporation's embarrassment was due in some measure at least to the failure of the Provincial Government to repair the war-time damages to its services and roads, etc. It maintained that while the Corporation should practise economy in administration, the Provincial Government should also extend larger grants and offer greater share of certain provincial revenues to the Corporation. It called upon the citizens' representative in the Corporation Council to put pressure upon the Government for action on the above lines. As the financial difficulties persisted and there was gross mismanagement, the Government of Bengal superseded the Corporation of Calcutta in a couple of years thereafter, and placed its affairs, in the hands of the Administrative Officer. In December 1948, the Administrative Officer of the Calcutta Corporation under direction from the Government of West Bengal in the Department of Local Self-Government took steps to revise the annual valuation of lands and buildings in all the Wards for the purposes of assessment of the consolidated rate. The Association pointed



out in a lengthy representation to the Government that under Section 131 of the Calcutta Municipal Act, 1923, Government could order revaluation in isolated instances to check low valuations and that law was enough for the purpose. It opposed general revaluation from the standpoint of the resident-owners of the city. To them the high prices of their lands and buildings were not a reality so long as these were not sold. The new assessment of higher valuation would remain with them, for the next six years even if land value went down in the meanwhile. Furthermore, in the face of perceptible decline of civic amenities it was not proper to suggest payment of higher rate by the rate-payers. Finally, the Association maintained that the superseded Corporation was not morally competent to bring about this fundamental change in the finances of civic administration. However, the Calcutta Municipal Act was amended by Government to validate out-of-turn revaluation by the Administrator.

### Revaluation

At the Annual General Meeting of the Association held on March 31, 1950, Sir B. P. Singh Roy moved a resolution condemning the revaluation as “unjust and arbitrary and *ultra vires* of the Municipal Act. Revaluation on an assumed inflated basis will only enhance the cost of having Calcutta properties while the income from them has been kept at a ridiculously low level under the provisions of the recent Rent Act.” Speaking on the resolution he said : “If the superseded Corporation goes on with the task of revaluation, I do not know what the ghosts of Dr. Rajendra Lala Mitra, Sir Surendra Nath Banerjea, and Mr. Lal Mohan Ghose—those stalwarts and pioneers in the field of local self-government—will think of this deviation”. Supporting the resolution Sir Hari Sanker Paul said : “This arbitrary measure will deal a hard blow to the middle class and poorer sections of the owners of holdings”, and that “the proposed abnormal increase would evidently entail a corresponding rise in rent.”

To fight out the issue the Association set up a strong sub-committee consisting, among others, of Sir Bijoy Prosad Singh Roy, K.C.I.E., Kt., Sir Hari Sanker Paul, Kt., Mr. Naresh Nath Mookerjee, Mr. S. K. Mitter, Mr. Nagendra Bhusan Beed and Mr. P. N. Singh Roy. The Sub-committee also co-opted Rai Bahadur Bijoy Behari Mukherjee, Rai Bahadur Maya Taru Halidar and Mr. Basanta Lall Murarka. The Association received the co-operation and support of the Indian Chamber of Commerce and the Bharat Chamber of Commerce who were represented by Mr. Narsingh Das Bangur and Mr. M. L. Khemka, respectively.

The Association made a concerted effort to oppose the new move for revaluation and requested the erstwhile councillors of the Corporation of Calcutta to mobilise public opinion in its support in their respective Wards. To bring round the Congress workers to its own point of view, the Association had a discussion with Mr. Bepin Behari Ganguli, M.L.A., and the Secretary, North Calcutta District Congress Committee. In March 1950 it had a Conference with Sree Tushar Kanti Ghose, Editor, the *Amrita Bazar Patrika*, Sree Bhabatosh Ghatak of the *Basumati* and a representative of the *Jugantar* and its views on the subject were supplied to the Press. The Association discussed how best to oppose revaluation of Calcuta properties.

It prepared a memorandum in English and in Bengali criticising the proposal of revaluation and suggesting ways and means to meet the deficit of the Corporation. The memorandum was signed by a large number of rate-payers of Calcutta, irrespective of party affiliations. The Association made it clear in the memorandum that the proposed revision was not only illegal it was also immoral inasmuch as the superseded Corporation should not have started building up its finances by additional taxation. It was clear that with the high price of building materials and labour charges and the clamping provisions of the West Bengal Premises Rent



Control Act of 1950, the incentive to build new houses would be killed altogether if revaluation became the law. Businessmen would be taxed heavily by this revaluation at a time when the Government both at the Centre and at the States were proposing reliefs for them which were due.

The Association particularly pointed out how disastrous the effect of inflated revaluation would be on the resident-owners, especially belonging to the middle class population. This class enjoyed only the illusory benefit of a rise in the price of their properties. The tenants also would be adversely affected by the enhanced taxation which would reach them sooner or later. Also, in the face of dwindling civic amenities there was the least justification for this new imposition. The Association accordingly re-iterated the recommendations of the Corporation Investigation Commission and maintained that if the Central Government paid the amounts due by it to the Corporation and the State Government shared with the Corporation the proceeds of certain taxes as previously recommended by the Hon'ble Dr. B. C. Roy and the Hon'ble Mr. Nalini Ranjan Sarker as Chairman of the Corporation Finance Standing Committee years ago, the deficit of the Corporation could be easily met.

The Association, therefore, suggested economy in Corporation administration and setting up of an impartial Committee composed of non-officials from all parties to keep the Corporation in proper working order. Later on September 14, 1950, the Association waited in a deputation on the Hon'ble Dr. B. C. Roy, Chief Minister of West Bengal. The Association was represented by Sir Uday Chand Mahtab, K.C.I.E. Maharajadhiraja Bahadur of Burdwan, President of the Association, Sir Bijoy Prosad Singh Roy, K.C.I.E., Kt., Mr. S. K. Mitter and Mr. P. N. Singh Roy. The Chief Minister assured the deputationists that the new valuation would not generally exceed the previous one by more than 40%, provided the lands and buildings had not been originally

under-valued. As, however, in many cases the new valuation exceeded the bounds of reason, the South Calcutta House Owners' Association instituted a suit to challenge the revaluation; and the Association decided to extend to it their full co-operation. The suit however, was not pursued in the Court to the last.

### **Constitutional Changes**

In the altered circumstances in the country and the city, a fundamental change in the Constitution and functions of the Corporation was called for. The Government of West Bengal in the Local Self-Government Department sought the opinion of the Association on the formulation of a sound electoral system with extended franchise and with proper machinery to conduct the election so as to ensure the return of the right type of men to the Corporation. The Department suggested, on the line of the recommendation of the Calcutta Corporation Investigation Commission, that every adult to be a voter must either have paid any rate or tax or fee to the Corporation in the previous year or been a resident for one year at least on the specified date. The Administrative Officer of the Corporation, however, in a separate note suggested that the extended electorate should include only that part of the adult population that had a sufficient interest in the city and its good government as proved by the fact of payment of rates or taxes.

The Association prefaced its reply by suggesting that the problems of city life could not be adequately solved unless the municipal councillors were generally sincere and put service of the metropolis before self and had some material stake in the city. It contended that the remedy of the situation did not necessarily lie in an extension of franchise. It was sceptical of the success of adult franchise—though it was a commendable principle—because of widespread illiteracy and lack of intelligent patriotic fervour among the



people. However, it scathingly criticised the via media approach made in the note of the Administrative Officer. The suggestion was anomalous inasmuch as it proposed to extend votes to those who contributed something to the coffers of the Corporation and yet sub-tenants, and occupiers of huts were proposed to be made voters. Further, it was unusual that under-graduates would remain without voting rights while ordinary sub-tenants and hut occupiers would become voters. The Association finally submitted that if Government felt unable to keep the franchise restricted only to those who had permanent material stake in the city, suffrage should be extended on the basis of adult population, as recommended by the Calcutta Corporation Investigation Commission.

In March 1950, referring to the recent recommendations of the Calcutta Corporation Investigation Commission Sir Uday Chand Mahtab whole-heartedly supported its Council-Manager Plan but was sceptical of the consequences of the introduction of adult franchise in the context of appalling ignorance of the voters. He felt that "the Corporation of Calcutta needs not a larger dose of democracy, but greater efficiency in its present decadence." Later, the Government of West Bengal passed a comprehensive Calcutta Municipal Act, replacing the old one of 1923.

### **Calcutta Improvement Trust**

As the work of the Corporation had increased and became more and more complicated, the Association felt the need for separating the development department of the Corporation from the ordinary routine-work departments. Efforts made in this direction culminated in the creation of the Calcutta Improvement Trust.

Sir Alexander Mackenzie formulated a scheme of a Building Commission which would lay 15 miles of road in Calcutta at a cost of Rs. 250 lakhs. He suggested a tax on

jute to meet the cost of borrowing the necessary amount. But the Government of India turned down the proposal and Mr. Mackenzie submitted a second scheme in which the financial burden of the improvement was proposed to be placed upon the rate-payers of Calcutta by way of additional taxation. At the Annual General Meeting of the Association held on March 7, 1902, Mr. Radha Charan Pal, a member of the Association and a Commissioner of the Calcutta Municipality, raised this subject and discussed it threadbare. In 1903, at the Annual General Meeting, he criticised the scheme in great detail and suggested alternative methods for raising the required revenue, viz., a duty on petroleum ; half of the income-tax derived from Calcutta ; a portion of canal duties and also the excise duty levied in Calcutta. Indeed, he strongly urged for the imposition of a tax of an anna a maund on jute export from Calcutta and on the jute used in the mills in the neighbourhood of Calcutta, which, it was calculated, would come to over Rs. 16 lakhs a year. He was of opinion that the commercial community should be called upon to pay for the improvement of Calcutta like any other rate-payer.

In the beginning of 1903, the Government of India formulated a scheme for improving the city of Calcutta at a cost of about Rs. 7.18 crores to which they would contribute Rs. 50 lakhs, the balance being borne by the rate-payers of Calcutta. On a representation from the Bengal National Chamber of Commerce, the Association organised a Conference of the representatives of public bodies and rate-payers of Calcutta at which, however, no concrete decision could be taken owing to lack of details of the proposed scheme. In July 1905, the Government of Bengal forwarded for the consideration and opinion of the Association a provisional scheme for the improvement of Calcutta.

As set forth in the Scheme, the improvement was to be carried out by a Trust, consisting of a President and six Trustees, all appointed by the Government. The gross



capital expenditure was estimated at nearly Rs. 8 $\frac{1}{4}$  crores of which the Government of India promised to contribute Rs. 50 lakhs. Recoupment and recoveries from betterment fees to be realised from the benefited owners of properties were estimated at Rs. 336 lakhs, and Rs. 436 lakhs would be raised by way of loan. The Corporation would contribute a fixed amount (Rs. 4,64,000) plus a fluctuating amount (1 $\frac{1}{2}$  p.c. on rateable value, then calculated to yield Rs. 3,60,000) to the revenues of the Trust. It was further proposed to raise existing municipal taxes and to impose new taxation, none of which, including an additional Income Tax, a Succession Duty and a Railway Terminal Tax, was designed to enable the Corporation to meet the demands made upon it.

### **Membership of 'The Trust'**

The Association in its reply stated that the Trust should consist of more members, at least twelve, and should sufficiently represent the landed interests of Calcutta, one of its members being taken from the British Indian Association. The Government contribution was wholly inadequate, and having regard to the vast interests the Government had in the well-being of the town, it should be nothing less than one-third of the total estimated cost. The Association pointed out that the cost had been under-estimated. As regards the various taxes proposed, the Association strongly objected to the Succession Duty, the burden of which would fall heavily, if not entirely, on the Indian community, while the benefits to be derived would be enjoyed by all sections. It also objected to the Transfer Duty and to the raising of existing municipal taxes. It approved of the Jute and Petroleum taxes, and suggested that a portion of the Excise Revenue should be set apart for this purpose. It had no objection to the proposed Terminal Tax on Railway passengers.

After having been in a state of incubation for about a decade, the CALCUTTA IMPROVEMENT BILL at last saw the light

of day. It was a measure basically unjust to the owners of landed property in Calcutta. The Association in a letter to Government offered a detailed criticism of the measure and emphatically protested against the proposed curtailment of the right of appeal to the High Court against the decision of the proposed Tribunal, and disallowance of the statutory compensation of fifteen per cent for the compulsory acquisition of land.

In the course of a speech at the Annual General Meeting of the Association in 1911, Mr. Kalinath Mitter, C.I.E., criticised the constitution of the Special Tribunal and the provision to introduce various modifications of and restriction into the Land Acquisition Act in its application to land acquired in connection with schemes undertaken under the Calcutta Improvement Bill. Further, it was curious that on the Board of Trustees while the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce were each to return one member, the remaining four members were to be appointed by the Government and the Association had seemingly been ignored altogether. Besides, the Bill proposed to set up the Board, in certain matters, as an appellate body over the Corporation of Calcutta, and this was bound to lead to friction between them. In addition, the Bill, contrary to the provision in the Land Acquisition Act provided that in case the Board gave up the land acquired, it was the party who had to pay compensation. Mr. Kalinath Mitter suggested as was recommended by the Building Commission, that the Board's power should extend to the acquisition of the contiguous land only which was likely to be materially benefited by the improvement of the insanitary areas and in such a case the owner might be allowed to keep his property upon paying compensation. It was feared that the Bill would seriously affect the position of proprietors of some houses in Calcutta. The Bill was passed into law in August 1911, with some of its objectionable features retained in it.



### **Operation of the Trust**

In 1913, it was pointed out from the Association that the Calcutta Improvement Trust Act, as also the Rules and Regulations framed thereunder were all being worked in practice to the detriment, discomfort and loss to the citizens. In 1914, Mr. Radha Charan Pal on behalf of the Association made a forceful appeal for associating co-opted members more largely and liberally with the work of the Improvement Trust and for publishing the proceedings of the Trust Board for the scrutiny of the public. He said that the Hon'ble Mr. Finnimore while acting as the Chairman co-opted some local representatives to the Committee appointed to deal with applications for exemption under Sec. 78 in connection with the Shambazar Scheme. There was no other instance of such helpful co-operation. Even in the case of the Russa Road Scheme public co-operation had not been sought for. The speaker was glad that the Right Hon'ble the Secretary of State had vetoed the proposal of a betterment imposition, with a view to conciliate the public. The then procedure of the Board, seeking to include within the zone of acquisition unlimited and wide areas far away from the site of actual improvement, struck him as no better than what the Secretary of State had negatived.

### **Compensation**

Compensation money for acquisition of properties was based generally on  $16\frac{1}{2}$  years' purchase, under the Improvement Act though under the Calcutta Municipal Act 25 years was the general rule; there was also the abolition of the 15 per cent statutory compensation in the case of all compulsory acquisitions by the Trust within the Calcutta Municipality, and there was again the abolition of the highly prized right of appeal to the High Court. Not less noteworthy, again, were the numerous restrictions which were imposed by the Improvement Trust Act on the provisions of

the Land Acquisition Act for the determination of the market value of land.

Mukherjee and Cumming, J.J., in suit—Calcutta Improvement Trust vs. Chandra Kanta Ghose, held that the compulsory acquisition of surplus land for recoupment purposes was unauthorised. A contrary view however was taken by a Full Bench of the High Court and the Judgment of Mukherjee and Cumming, J.J., was also later reversed by the Privy Council. Besides this point, question arose about the legality of executing improvement schemes outside the then Municipal area and also whether the Trust could provide open space as a major item of improvement. To remove doubts on this point the Bill to amend the Calcutta Improvement Act of 1911, was introduced. The Association criticised some of the important clauses of the Bill.

When the BENGAL LAND DEVELOPMENT BILL was introduced in the legislature sometime in 1927-28, the Association in a representation remarked that it did not like the idea of creating co-ordinate authorities with the Calcutta Improvement Trust for the improvement of the city. It did not agree that the local authority would have sufficient funds for its proposed activities. It further held that in the interest of the persons to be displaced it was desirable that improvement should be gradual. In the mofussil the paucity of funds would stand in the way of giving effect to the Bill and the powers conferred upon the Municipal authorities might well be a source of great oppression. For the improvement of Howrah, however, the Association suggested formation of a body like the Calcutta Improvement Trust.

On July 21, 1931, the Hon'ble Mr. Bijoy Prosad Singh Roy, Minister for Local Self-Government, and a distinguished member of the Association, presented the report of the Select Committee on Calcutta Improvement (Amendment) Bill, 1931. The Bill provided for exemption, on payment of



exemption fee, of properties which will be benefited by execution of an improvement scheme but will not actually be required for its execution. The same provision existed in the Calcutta Municipal Act but not in the Calcutta Improvement Act. It was hoped that this amendment would facilitate improvement of highly built up areas like Burrabazar. This matter was pending since 1926. There was a Burrabazar Improvement Committee on which sat Raja Reshee Case Law, Rai Bahadur Nalini Nath Seth and Rai Bahadur Badridas Goenka—all important members of the Association. This Committee suggested the change which was made into law in 1931.

### **Amendment**

In 1940, by an amendment of the Improvement Act, Mr. Kader Bux sought to prevent the monopolization of a certain community or a class of people of the improved plots in Calcutta. The Association favoured that the Improvement Trust should throw open the improved plots for sale to all persons, but could not agree to any particular community being legally prevented from purchasing specific plots, in the interest of the freedom of the market.

A few years later, obviously impressed with the work of the Calcutta Improvement Trust, and in the interest of a cleaner Howrah and healthier Calcutta, the Association in a representation to the Government of Bengal strongly urged the extension of the Calcutta Improvement Act to the town of Howrah. Again, in 1949, the Association reminded the Government about the urgency of implementing without delay the proposal for a permanent Trust for Howrah town as in Calcutta, which had been lying under consideration of the Government for quite a considerable time.

### **Slum Areas**

The slum areas of Calcutta attracted wide attention of the foreigners, the Government authorities and of the public

during the war-years. In a representation submitted to the Governor of Bengal in 1944, the Association drew his urgent attention to the despicable condition of Calcutta bustees and urged their improvement, in which, it stressed, the land-owners would heartily co-operate. Owners of lands as such had no access to the bustee areas which were within the possession of hut-owners, the middlemen. The Corporation of Calcutta was legally competent to bring about necessary improvements, and the Government of Bengal had a solemn duty to see that the Corporation discharged its responsibility. The Association suggested that a conference be called of interests concerned to evolve a programme of work. Again in the interest of the inhabitants of Calcutta slum areas, the Association in a representation to the Government of Bengal in June 1944, requested that something be done for their welfare. Government brought forward the BENGAL SLUM IMPROVEMENT BILL which dealt with the slum areas of the important towns of Bengal, including Calcutta. The Association found that the ultimate object of the Government was to demolish the slums. At the same time, without suggesting any long term improvement for these areas, they expected the landowners to effect prescribed improvements, even by borrowing, while the Government or local authorities might bear a part of such expenses at their discretion. The Association criticised these self-contradictory provisions of the Bill and apprehended that with the departure of the military population from Calcutta, the proposed Act would be a dead letter. The Select Committee altered the Bill in certain particulars in the light of the above criticisms.

### **Bengal Municipal Act**

Though the centre of its attention was Calcutta and its improvement, the Association never ignored the potentialities of other municipalities in Bengal. On August 16, 1923, the BENGAL MUNICIPAL BILL was introduced in the Legislative Council by Sir Surendra Nath Banerjea. The Asso-



ciation felt that no one going through the Bill could fail to be impressed by the fact that it had been drawn up in the true spirit of the new reforms. The Commissioners were invested with wide powers which were calculated to improve sanitation, and diminish mortality. It provided wide scope for the exercise of administrative capacity on the part of the people, which was so necessary for the development of self-government. The Association further recommended that Kavirajes and Hakims should be formally recognised by law. It also suggested that the minimum qualifying rate for an elector should be definitely mentioned as in the Calcutta Municipal Act, instead of it being left to the discretion of the Local Government. Further, the Assessment Appeal Committee should consist of the whole body of the Commissioners and not of the Chairman and one Commissioner only, as provided in the Bill.

When the Council was dissolved, the Bill lapsed. Later the Hon'ble Sir Bijoy Prosad Singh Roy, Minister for Local Self-Government, Bengal, a distinguished member of the Association, introduced the Bengal Municipal Bill in April 1932, to secure smooth working of the Municipalities to effect purity in civic administration, and to remove internal control of Government over the municipalities, while retaining, where absolutely necessary, only external control.

The Hon'ble Minister could persuade the Hindu and Mahomedan members of the House to agree to his proposal for a joint electorate with reservation of seats for the minority community in the election to Bengal municipalities. This was a no mean achievement, for in the wider sphere of politics this difficulty had proved insurmountable.

### Nomination

In the Bill the provision for nomination of Commissioners was retained. The number of nominated members

was however reduced from  $1/3$  to  $1/4$  in the case of ordinary municipalities and  $1/5$  for advanced ones.

### Amendments

In the middle thirties and later certain amendments to the Bengal Municipal Act were suggested from time to time. In 1933, Sir B. P. Singh Roy moved an amendment to make the Act of 1932, effective. In 1935-36, Rai Bahadur Satyendra Kumar Das introduced in the Bengal Legislative Council an amendment to the Bengal Municipal Act. The Association could not support the proposal that the name of the occupier would be taken note of in the preparation of the assessment list and that in the matter of alteration of assessment list the meeting of Commissioners will not be necessary. As regards other amendments introduced by him, for removal of some practical difficulties of municipal administration, the Association was broadly in agreement with his views. Another amendment suggested by Maulvi Abul Kasem in which he sought to extend the right to vote to the payers of cart registration fee was opposed by the Association.

With the inauguration of autonomy in the provinces, the urge for introducing amendments to the Bengal Municipal Act by various private members was noticeable in a marked degree. In an amendment introduced in the Bengal Legislative Assembly, Mr. Sukumar Dutta sought to take away the system of Government nomination in municipal bodies. The Association believed that Government represents a force and an interest which should not and cannot be ignored in the administration of municipal affairs. In another amendment introduced in the Bengal Legislative Council by Maulvi Nur Ahmed, the system of nomination was sought to be removed and the principle of adult franchise was sought to be introduced. The Association could not agree to these modifications, but concurred with certain administrative changes in municipal administration suggested in Mr. Ahmed's



amendment. In 1939, Rai Harendra Nath Chowdhury a member of the Association moved an amending Bill. Giving its opinion on the subject of the amendment the Association maintained that no injustice was caused to the general inhabitants of an industrial area which had been given the status of a municipality owing to the concentration of industries, if the industries were given weightage in representation. The Association held that in municipal work the stake-holding people had the greatest interest.

### **Local Self-Government**

The Association's concern for a proper system of administration in rural Bengal was no less than that in the urban areas.

As far back as 1903, the Local Self-Government Act engaged the attention of the Association, which however, out of deference to the expressed wish of the Acting Lieutenant Governor, Sir James Bourdillon, did not press the points on the subject but left to his successor for tackling it. At the Annual General Meeting of the Association Rai Bahadur Sita Nath Roy referred to clause 15 of the Bengal Local Self-Government (Amendment) Bill 1904, which introduced new Sec. 461 to 463 providing for the levy of a rate to enable District Boards to pay sums guaranteed by them by way of interest on capital expended on railways and tramways. It seemed to be an additional road cess, and virtually the third infringement of the terms of the Permanent Settlement. Later in the year, in a representation, the Association criticising this amendment of the Bengal Local Self-Government Act of 1885, maintained that the District Boards should have no legal authority to spend the proceeds of the Road Cess for other than the original purpose. Imposition of a fresh rate was opposed on principle. In September 1904, the Government of Bengal sent copy of a Bill to amend the Bengal Local Self-Government Act, 1885, and asked the

opinion of the Association thereon. The Bill was subsequently dropped. Towards the end of 1906, the Association received another Bill which was in the main identical with its predecessor.

### **Land Cess**

As before, the Association objected to the provision for the imposition of a fresh cess on land for the purpose of paying the interest or capital in respect of loans raised for constructing or maintaining a Railway or Tramway. It contended that it was unjust to impose a cess exclusively on the landholding classes for works, which would benefit the whole community. Moreover, it would violate the terms of the Permanent Settlement, which had fixed for ever the revenue assessable on land. It further submitted that District Boards should not be charged with the burden of maintaining schools for the training of veterinary and medical students, and that District Board funds should not be applied to purposes other than the legitimate ones. The Select Committee appointed by the Government of Bengal recommended certain amendments of the Local Self-Government Amendment Bill 1908, viz., (1) preventing diversion of the Road Cess to purposes other than those for which it was expressly levied, and (2) by introducing sanitary provisions for the residential areas of the villages. The Association appreciated the first recommendation which was in consonance with the demand put forth by the Association for a long time past. It suggested that the owners of private and public ferries should be compensated for any loss that they might incur owing to the construction of bridge over small rivers or khals. The Bill was passed into law in October 1908 ; in which some of the suggestions of the Association were accepted.

### **Abolition of Nomination**

In 1937, Mr. Humayun Kabir introduced in the Legislative Council a Bill to amend the Bengal Local Self-



Government Act. The Bill proposed to take away the system of nomination in local bodies and extended franchise to all adult persons within their areas. The Association could not agree to the changes suggested, for the principle of nomination only indicated that Government as a force should be recognised in local administration, without having any deciding voice in it. It was desirable that Government should be in touch in public interest with local representative institutions and the system of nomination provided this touch. Wrong nomination in certain cases did not establish the case against the principle of nomination. Representation of talents could be secured, and communal inequalities rectified, through nomination. Adult franchise was an unwarrantable forward step, considering the extent of literacy in the country. The Association also held that there was no keen demand in the country for the introduction of adult franchise in local bodies. Adult suffrage was an admirable ideal, but its introduction in local bodies would make them subject to party propaganda of a gross type.

The Association has supported all reasonable schemes for augmenting the finances of the local bodies. In December 1925, the BENGAL MOTOR VEHICLES TAX BILL was introduced in the Local Council with the object of empowering the District Boards and Municipalities to tax motor vehicles kept within their jurisdiction. The Association accorded its approval with the object of the Bill and maintained that no distinction should be drawn between officers and the general public in this matter.

The Association made severe criticism of the Bill introduced in the Bengal Legislative Council in January 1909, to consolidate and amend the Bengal Excise Law. It proposed *inter alia* to withdraw the powers, which the Municipalities had hitherto enjoyed, of granting excise licenses, and to give a wide rule-making power to the Local

Government and to the Board to be set up under the Bill, when enacted.

### **Village Self-Government**

The Association helped in the formation of smaller local bodies with defined functions in the Bengal villages.

The District Administration Committee, appointed by the Government of Bengal in 1913, had recommended a re-organisation of the system of Village Self-Government.

### **Union Committees**

The Union Committee established under the Local Self-Government Act of 1885, had largely failed to secure an effective system of rural self-government in view of the fact that the District Board was the administrative unit and the Union Committee was merely a subordinate body exercising restricted powers and dependent mainly on the District Board for funds. The District Administration Committee were further of opinion that the scope of the functions of Chaukidari Panchayets was too little related to the needs of the villages and they came to the conclusion that their extended usefulness and improvement were most likely to be secured by amalgamating their functions with those of the Union Committees. They suggested that every district should be mapped out into Village Unions administered by Union Panchayets, which should deal not only with the village police but also with village roads, water supply and sanitation and which should also exercise judicial functions, both civil and criminal. They further proposed that the Unions should be grouped in circles and that for each circle, a Circle Board should be constituted, which should represent the Unions within the circle and supervise the working of the Union Committee. The Circle Boards should in their opinion replace the existing Local Boards, the continuance of which would be incompatible with a general extension of Union Committee.



A Bill was introduced generally incorporating the above recommendations of the District Administration Committee. The Association criticised it on the ground that the qualifications of a member of a Village Committee should be higher than those of an elector both in respect of property and education; the Village Committee should have the power to appoint or dismiss Chaukidars and Duffadars; construction of new bridges should not be undertaken without the advice and supervision of the District Engineer; appointment of teachers should finally rest with the District Board acting in consultation with the Deputy Inspector of Schools; the appointment of Secretary to Village Committee should be made with the approval of the Circle Board and a maximum rate should be fixed which should be equally applicable to all in order to prevent favouritism or oppression; the District Board should be distributed a fixed percentage of its income among the Village Committees according to their requirements. The Association warned against placing Village Committees under the overall superintendence of the Circle Boards and objected against the Village Committee being vested with civil and criminal jurisdiction for administration of justice. In conclusion, the Association submitted that as anything like rigid official control would be incompatible with the healthy growth and development of local bodies, it might be necessary later on to eliminate control of District and Subdivisional Officers and to place the same under a Local Self-Government Board to be specially set up for the purpose.

### **Rural Panchayets**

Earlier in 1900, the Government of India had invited the opinion of the Association on the investment of rural panchayets with the powers of Arbitrators, in view of the Indian Arbitration Bill then pending before the Legislative Council. The Association observed in reply that the Panchayets in the Bengal villages formed under the Village Chowkidari Act of 1870, were ordinarily not held in much

regard for their respectability, ability or character, so that disputing parties would not be inclined to choose them as arbitrators for the settlement of their disputes.

On November 22, 1921, Dr. A. Suhrawardy moved a resolution in the Bengal Council for the postponement of the operation of the Bengal Village Self-Government Act in certain areas. Evidently he wanted to make matters smooth for the elected representatives on the local bodies, for the non-co-operators were rather successfully carrying on a no-tax campaign. Mr. Bijoy Prosad Singh Roy a member of the Association, viewing the issue from the standpoint of long-term development of the country, regretted the resolution for it would mean punishing the "whole nation by striking at the very root of self-government". "The general trend of public opinion" he averred, "is all for the introduction and development of the self-governing institutions of the country". The House also generally opposed the resolution, as being reactionary, and the motion was thereupon withdrawn.

### **Chowkidari Tax**

On February 7, 1922, Mr. Bijoy Prosad Singh Roy moved a resolution in the Bengal Legislative Council recommending the appointment by Government of a Committee of Enquiry with a non-official majority to report on the increase of rate of the Chowkidari Tax or union rates, and the consequences arising therefrom. Obviously he did not wish that the Village Self-Government Act would founder on the rock of unconscionably high rate, or that the non-co-operators would make political capital out of these abnormally high rates. The resolution was put to vote and lost.

When on August 23, 1922, the Report of the Select Committee on the Bengal Chowkidari Bill came up for consideration, Mr. B. P. Singh Roy again urged against the proposal to raise the limit of the unpopular tax.

The maximum limit of salary, viz., Rs. 6 a month which was fixed over half a century ago for a village chowkidar,



having been considered inadequate in modern economic condition a Bill to amend the VILLAGE CHOWKIDARI ACT was introduced in the Bengal Council in the early 'twenties. The Association approved of the measure but suggested that the maximum rate of assessment should not exceed Rs. 1/8/- and this was accepted by the Council. The Bill was introduced in the Council on February 25, 1923, and passed on July 3, 1923.

Soon after the inauguration of autonomy in the provinces, a Chowkidari Enquiry Committee was appointed in Bengal. To the Committee the Association forwarded its observations on the questionnaire issued by them. The Association submitted that the Chowkidari establishment which was costing the Government over Rs. 50 lakhs per year should be constituted into a subordinate police constabulary under the direct charge of Government, and the cost incidental thereto should be borne by Government, and that the existing dualistic control over them by Union Boards and Government should cease. The cost of urban police establishment was a charge upon provincial revenues, and there was no reason why the village police force should be an exception. The Association suggested higher pay and better equipments to Chowkidars and Daffadars, a change in their designation, adoption of means, like rewarding to foster in them a sense of responsibility. It also recommended Provident Fund for them. The Association maintained that paucity of fund of the Union Boards should be no bar to its acceptance, as law and order was a primary charge, which Government must bear. By a supplementary questionnaire the Committee wanted to know how the extra cost to Government involved in the change proposed would be met and the Association suggested economy in top-heavy departments and a determined will as effective solutions.

In 1941, some private members of the Bengal Legislative Assembly brought in an amendment to the Bengal Village Self-Government Act with a view to abolishing the system of

nomination in the Union Boards. As in other instances of a similar nature so here too the Association objected to the total cancellation of a healthy system in the peculiar setting of India. The Association however, wanted the system of election, to be absolutely fair and above board. So when in 1929, the Government of Bengal issued draft rules for elections to Local and Union Boards, the Association welcomed the provision for secret voting. The Association wrote to the Government appreciating the wisdom and efficacy of this new system.

### **Finances**

The financial aspect of local self-governing institutions came in for a sifting enquiry after independence. Late in 1949, the Government of India in the Ministry of Health appointed the Local Finance Enquiry Committee under the Chairmanship of Sri P. K. Wattal to enquire into the question of the finance of the local bodies and to make recommendations for its improvements. The Association submitted a detailed reply to the questionnaire issued by the Enquiry Committee. The replies of the Association touched, among other things, upon the sources of income of local bodies, their augmentation by tapping new sources, assignment or distribution of taxes expenditure by local bodies, local loans, municipal bank, commercial undertakings, and taxation of railway and other Central Government properties. Replies sent by the Association aroused keen interest of some of the members of the Local Finance Enquiry Committee. In their recommendations too, particularly touching on the augmentations of local finance through assignment or distribution of provincial sources of income, direct taking over of some of the functions of the overburdened local bodies by the Provincial Government and amalgamation of contiguous local bodies in the interest of economy the Committee closely followed the suggestions forwarded to it by the Association.



## CHAPTER II

### CONSTITUTIONAL PROGRESS

Passing through long years starting from 1851, the pace of progress of the Association's activities received a greater tempo in the momentous years preceding the constitutional Reforms of 1909, and of subsequent years.

Under the Indian Councils Act, 1892, any resident within the jurisdiction of a group of Municipalities or District Boards was eligible for nomination to such Institutions. In 1905, when the Government wanted to restrict the said nomination to a sitting member only, the Association objected to it on the ground that the arrangements had proved satisfactory in the past and that talent, education or sense of responsibility were not circumscribed within those who had somehow been able to get into these bodies. The Government ultimately abandoned the proposal.

#### **Morley-Minto Reforms**

In 1907, Mr. Morley, the then Secretary of State for India, announced his reforms. These provided for :

(1) Formation of an Imperial Advisory Council consisting of 60 members appointed by the Viceroy from among the Ruling Chiefs and the territorial magnets of every province ; (2) Formation of Provincial Advisory Councils composed of representatives nominated by the Local Government ; (3) Enlargement of the Imperial Legislative Council on the basis of a majority of permanent officials and separate representatives for the Moslems and of the landholders paying land-revenue of not less than Rs. 10,000 per year ; (4) Enlargement of the Provincial Legislative Councils on the principle of widest representation to classes, races and interests ; and

(5) Improvement in the mode of Budget discussion with adequate explanation by members severally in administrative charges.

The Association did not think much of the Imperial Advisory Council whose meetings were proposed to be informal and the composition of which could not be expected to adequately represent the needs and satisfy the sentiments of the masses of the people. It held that in order that the Council might be really useful, persons of culture and experience, fully capable of acting as interpreters between the people and the Government should be drawn into it. The Councillors should have some power with initiative, and that their opinions should, when necessary, be published. "The Constitution of the Provincial Advisory Council was less objectionable." In the Association's communication to Government the proposals for class representation in the Provincial Council and communal representation for Moslems in the Imperial Council were, however, strongly opposed. The Association suggested that a net income of Rs. 12,000 per year from the landed property would be a better basis of franchise than what was proposed. As regards the method of Budget discussion, the Association submitted that on any question of concerning additional taxes and on heads relating to expenditure, the representatives of the people should have a powerful voice.

At the Annual General Meeting held on April 21, 1908, Mr. Satish Chandra Pal Chowdhury, a member of the Association, criticised Mr. Morley's reforms as "a very crude proposal emanating from an unimaginative and unsympathetic source, not likely to satisfy the Indian public, in whose professed interest it has been conceived, nor is it calculated to further their administrative needs, but on the contrary, it has a tendency to check the tide of reform and progress which the nation, roused from its thousands of years of slumber, with one voice demands." It was averred that under the pro-



posals, the educated community of India were to be put under disadvantage and "whatever little privileges had been grudgingly accorded to them were going to be withdrawn, and a division between the aristocratic and intellectual forces of the nation," would be the immediate result.

In condemning the proposed constitution of Legislative Councils, the Association remarked: "The defects of racial and religious differences are manifold and are inimical to popular advancement. It would check social and political progress and subject the country to the most enervating influence from which the national movement is trying to force itself free". Further, the contemplated increase in the number of legislators would do no good "so long as the principle of permanent official majority is maintained and the non-official members are given no effective voice in influencing the deliberations of the assemblies." It believed that the Advisory Councils would neither have any initiative nor any continuity in their works, "the seal of silence being imposed upon them in addition." If only these were properly constituted, it stressed, they "were sure to be a great boon to the country" interpreting to the rulers and the ruled the wishes and actions of each other.

Lord Morley's scheme for constitutional reform in India was modified in several very important particulars in 1908-09.

The number of seats proposed to be given to landholders in the reformed Councils was four for the Bengal Legislative Council and one for the Imperial Legislative Council.

The Association urged for an increase in the number of seats in the Bengal Legislative Council to be allotted to the landholders and the constitution of a separate electoral Council for the landholders—the latter would ensure the return of important landholders with large stake in the country who were usually disinclined to canvass. As an alter-

native to the suggested increase in the number of seats for the landholders, the Association recommended additional two seats one of which should go to the Association. To ensure the admission of persons of position, influence and worth, the Association suggested that the other seat reserved for landholders should be left to nomination.

In the opinion of the Secretary of State for India nomination was deemed to be a very inferior mode of representation to the legislative bodies.

On the whole, Lord Morley's Reforms were acclaimed by a wide section of Indians. The Association in a resolution adopted in 1908, expressed its appreciation "of the concessions granted, and the unique honour done to the people by the appointment of Mr. S. P. Sinha, Advocate-General of Bengal, as Law Member of the Viceroy's Executive Council. It is worthy of note that this appointment was made in the face of an adverse vote of the House of Lords on Clause 3 of the Council Bill and against strong disapproval of some members of the House. At the Annual General Meeting held in 1909, the Association strongly denounced the groundless fear of the Muslims being "swamped by the Hindu majority". It believed that this fear was at the root of their demand for separate representation from the lowest to the highest legislative bodies and the absurd stand taken of becoming numerically stronger in spite of their being in the minority.

Criticising the feature of separate representation of the Muslims, as a separate constituency, Raja Peary Mohun Mukherjee, President of the Association, said that it

"will have the effect of terribly accentuating racial differences, retarding unity and progress and frustrating the salutary object of a non-official majority in the Provincial Councils. It will furthermore inaugurate a policy which would weaken the force of public opinion, introduce a change in the continuity of British policy and compromise the reputation for even-handed justice, the greatest asset of British rule in India. But perhaps the worst effect of a separate Mahomedan



representation would be to paralyse incentives to intellectual and educational progress among the Mahomedans themselves and thereby injure most the community which this singular concession is intended to benefit."

In 1916-17, a Bill to consolidate the Government of India Act was placed before the Parliament for consideration.

The Association apprehended that the addition of Clause (d) to Section 84 of the Indian Consolidation Act would transgress the highly prized right of His Majesty's subject in India to sue the Secretary of State and would do away with the jurisdiction of the Civil Court from the trial of such cases. It sent a telegram to the Government of India suggesting deletion of the amendment. The Bill, however, was passed, the Secretary of State, stating that no infringement of popular right was contemplated.

### **Montagu-Chelmsford Reforms**

A meeting was held of Indians representing different classes of interests on August 30, 1917, at the Dalhousie Institute in connection with the Reforms Scheme under the Chairmanship of Raja Peary Mohun Mukherjee, President of the Association. In the historic pronouncement of the Viceroy and Governor-General and the Secretary of State for India on August 20, 1917, the meeting noted with satisfaction "a distinct advance upon the existing state of affairs and a substantial step towards progressive realisation of responsible Government and welcomes the scheme in its general principles and outlines subject to modifications in the light of such suggestions and criticisms as might be received from public bodies."

On November 9, 1917, the Association submitted a petition to the Secretary of State for India through the Governor-General-in-Council expressing satisfaction at the announcement on the floor of the House of Commons. The memorandum further stated that the role that India as an integral part

of the British Empire had played in World War I, had helped in clearing a mass of misunderstanding and incontestably proved India's allegiance to the British Crown. The Association expected that it would pave the way for the introduction of a larger degree of popular influence in the administration of the country. It further maintained that the achievement of Indian administrators in the field of education, justice and social affairs warranted a larger participation by eminent and judicious Indians in the governance of the country.

### **Rights and Responsibilities**

The Association suggested considerable expansion of rights and responsibilities of each provincial Government. In its opinion the Executive Council of the Governor should have four members, divided equally between the Indian and European elements not necessarily belonging to the Civil Service. The choice of the members of the Executive Council should be left to the discretion of the Governor from amongst eminently qualified persons, irrespective of caste, colour or creed.

### **Legislative Council**

The Association held that the Legislative Council should be composed of members numbering between 75 and 100, two-thirds of whom should be elected by different constituencies representing different interests, and the rest nominated by the Government. In Bengal the landholders should be given as many seats as there were Divisions in the Presidency. The Governor's right to veto any Bill or resolution passed in a local Legislative Council could only be exercised by adducing reasons in writing. In financial matters his prerogative would never be allowed to militate against provincial autonomy. The city of Calcutta should be represented on the provincial Legislative Council by four members two to be elected by the Corporation and two by the rate-payers of



Calcutta. A larger proportion, three-fourths of elective element, should be introduced in the constitution of Municipal, District and Local Boards, and the Local Government should nominate the rest. The Chairman of such District Board should, as a convention, be the District Magistrate but there should be no bar to the election of suitable non-official to the post. As a rule, the Chairman of Municipalities and Local Boards should be elected from among the members. It may be mentioned that almost all the basic recommendations stated above were accepted. Some of these were provided for in the Government of India Act, 1919, and the rest through a series of legislative measures passed thereafter by constituted authorities in India.

### **Executive Council**

The Association further suggested in a memorandum that in the Central Executive Council there should be five members two of whom should be Indians, and even then the rest need not be all members of the Civil Service. In England, the Ministers were seldom selected from the body of permanent officials and in India very close narrow departmental training could never be an essential qualification for the purpose. The Governor-General's Executive Council might remain structurally the same, subject to the change in allotting two seats instead of one as then, to represent the landholders of Bengal. The Governor-General's power of nomination should be enlarged to admit representation of all important interests.

### **Council of the Secretary of State**

The Association opposed the proposal to abolish the Council of the Secretary of State for India altogether. But the number of Councillors and their term of office might with advantage be reduced. Half the number of Councillors should be Indians of sufficient administrative experience. The Association also opposed the proposal to place the salaries of

the Secretary of State and his Councillors and staff on the British Budget, which, it apprehended, would make India the sport of English party politics to the detriment of the interests of India.

### **Army Commission**

The Association further suggested that Commissions in the Army and Navy should be given to Indians on the same terms and conditions as to the Europeans. Indians should be allowed to enlist as Volunteers of a Territorial Army established in India with the right to possess and carry arms.

### **Judges of the High Courts**

Having regard to the marked ability of Indians as Judges the Association suggested that half the number of Judges of the High Courts should be Indians, and Indian Barristers and Vakils and District and Sessions Judges should be considered eligible for the High Court Bench. The Association expressed its considered opinion that for maintaining the British character of the administration, Government might retain a small number of British Officers and then gradually reduce it to the minimum by regulating direct recruitment to the civil service. The Association suggested that the provincial civil service and the subordinate executive service should mainly be filled up by competitive examinations and partly by nomination to be given to well-educated and qualified scions of ancient and historic families and to the sons and relations, of landholders.

### **Montagu's Visit**

Shortly after making his historic announcement, Mr. Montagu on the invitation of His Excellency Lord Chelmsford, visited India to be more directly acquainted with public opinion in this country, both official and non-official, on the subject of constitutional reforms. During his visit to Calcutta, a deputation, composed of a large number of mem-



bers of the Association, headed by its President Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan. His Excellency the Viceroy and the Secretary of State for India at the Government House and submitted their scheme of constitutional reforms. Deprecating revolutionary changes, the Association advocated a long list of reforms, embracing almost every branch of the administration.

### **Association's Memorial**

Maharajadhiraja Sir Rameswar Singh of Darbhanga presented a memorial on the reforms to the Viceroy and to the Secretary of State for India on behalf of the landholders of India, and the Hon'ble Raja Reshee Case Law, C.I.E., representing the Association waited upon Mr. Montagu and Lord Chelmsford.

When the joint report of the Viceroy and the Secretary of State for India was published, the Association held a meeting on July 20, 1918. It adopted a resolution according general approval to the scheme of reforms which was accepted as a considerable advance towards the goal of complete responsible Government. The report recognised the necessity of having special electorates for the landholders of Bengal both in the Bengal Legislative Council and the Indian Legislative Assembly.

The Association suggested that the share of social representation to be allotted to landholders in the proposed Provincial Legislative Council should be based on the proportion of the revenue of the Provincial Government contributed by the landholders.

### **Indian Members**

The Association welcomed the decision to have two Indian members instead of one on the Governor-General's Executive Council and protested against the withdrawal of

the right of election from landholders. It maintained that as the landholders were in close touch with the agricultural population they were best fitted to represent them in legislaute. The Association suggested that the remuneration and status of Ministers should be the same as those of the members of the Executive Council and objected to the appointment of Additional Official Members without portfolio. The departments of Land Revenue, Civil Justice and Education, the Association recommended, should be amongst the transferred subjects. Forty per cent of the superior posts in the Indian Civil Service is to be held by Indians. Government of India should with the concurrence of the Indian Legislative Assembly be vested with full powers to regulate the Indian tariff. On the subject of territorial redistribution as foreshadowed in the joint report, the Association recommended that the District of Manbhum and the Sub-divisions of Jamtara and Deoghur in Sonthal Parganas should be transferred from Bihar to Bengal and the Districts of Goalpara and Sylhet should be transferred from Assam to Bengal.

### **Franchise Committee**

Two Committees, viz., the Franchise Committee and the Subjects Committee were appointed under the reforms scheme by the Government of India. As landholders were excluded from both these Committees, the Association sent a telegram of protest which proved infructuous. Later, the Association was requested to send its representatives to give evidence before the two Committees and the Association selected Raja Kishori Lal Goswami and Sir Benode Mitter for the purpose.

Raja Kishori Lal Goswami representing the British Indian Association submitted a memorandum of evidence to the Franchise and Electorate Committee. Dealing with the composition of the Legislative Council the Memorandum referred to paragraph 225 of the Joint Report which stated that



“There shall be in each Province an enlarged Legislative Council differing in size and composition from Province to Province with a substantial majority elected by direct election on a broad franchise with such communal and special representation as may be necessary”.

The Memorandum endorsed the opinion contained in Para 231 of the Report which clearly stated that “there is no reason to set up communal representation for Mahomedans in any Province where they form the majority of voters.” In para 232 the Report stated as follows:—“The large landowning classes also generally desire representation in an electorate of their own. Now our decision to maintain separate electorates for Mahomedans makes it difficult for us to resist the claims that where

“the great land-owners form a distinct class in any Province, we think there will be a case for giving them an electorate of their own.”

### Nominations

In order that there might not be a violent break from long-standing methods in setting up a new constitutional frame-work on representative lines, the Association was prepared to put up with the old system of nomination provided that direct representation was placed on a sufficiently broad basis. It believed that “the basis of direct representation should be broadened as time advances and as education, both general and political, and enlightenment progress and a genuine popular appreciation of the benefit of direct representation is evidenced.” The Association had firmly believed that “Communal and special representations will gradually vanish, as direct representation gains ground.” It proposed that there should be one hundred elected seats, half to be allotted to the special and communal electorates and the other half to two general direct electorates, viz., urban and rural. It was definitely of opinion that “a water-tight electorate for the whole Mahomedan population of Bengal will tend to perpetuate communal representation which is antagonistic to the essential features of representative Government.”

It claimed that the landholders constituted a distinct class by themselves and had enjoyed the privilege of a special electorate. There were 100,000 permanently-settled estates together with a large number of revenue-free estates which due to partition had been constantly increasing in number. Revenue from lands constituted more than 25% of the total receipts of Bengal. The landholders were bound by common interests with the agricultural community and it was their own concern to see the tenantry of the country flourish.

### **Landholders Representation**

Moreover they had left their impress in the field of legislation in the previous Councils and they enjoyed the advantage of time, energy and talent in their favour to study and grasp the problems of public administration in all their bearings. Finally, 'the landholders who are by their instinct and upbringing moderate and cautious in their views, will form, as it were, the conservative element in the Council, who pin their faith on the principle of hastening slowly.' The Association urged for 16 seats for the landholders out of a total of 100 seats.

### **European Representation**

On the subject of European representation the Association held that no special electorate was justified on the ground that the nominees of the Bengal Chamber of Commerce, the Trades Association, the tea-planting community and of the Commissioners for the Port of Chittagong together with the nominated European officials would serve the purpose.

It proposed that there should be 25 nominated members of whom not more than 18 should be official. One of the non-official seats should be given to a hereditary Maharaja, Raja or Nawab or head of historical houses owning large revenue-paying estates.



### **Disqualification**

Amongst the general disqualifications for a voted or for membership of Council the Association did not favour that females should be voters or stand as candidates for election as members to the Legislative Council.

### **Provincial Government**

Representing the views of the Association Sir Benode Mitter in his memorandum of evidence before the Franchise Electorate Committee suggested that the Provincial Government should have exclusive legislative power over all strictly Provincial subjects without any interference of the Government of India. It should have absolute control over the services in respect of transfer, pay, promotion, leave, travelling allowances, punishment, etc., while the Government of India should be endowed with the authority of an overall supervision over all service units in its employ. In the matter of administrative policies, if the Governor-in-Council and the Provincial Legislative Council were in agreement they should not ordinarily interfere. Sir Benode accepted the suggestion and the Report for doing away with dual control over heads of revenue. He strongly advocated that Income Tax should form part of the Provincial Revenue but that the reduction in Imperial Revenue caused thereby should be made good by increasing the percentage of Provincial contribution. This would make for greater financial autonomy of the Provinces without affecting the finances of the Government of India adversely. He further suggested that the settlement of Land Revenue and the rate of Income Tax should be steady and uniform in all the Provinces in order to avoid widespread discontent. He maintained that the Provincial Government should be left absolutely free to control its own finances provided there was no default or dereliction in payment of its contribution to the Central Exchequer. The Provincial Government should have power of borrowing on the security of

its own revenues, with the approval of the Government of India.

### **Reserved and Transferred Subjects**

He deprecated the proposal for any sharp distinction between reserved and transferred subjects at the outset. He felt that certain subjects, e.g., taxation for Provincial purposes, borrowing, conditions of all Provincial Services, franchise and Land Acquisition should be placed under the joint control of the members of the Executive Council and the Ministers, and Prisons, Colonisation, Disposal of Crown Lands, and Education should be transferred subjects. According to him setting up of Standing Committees with regard to the subjects falling under the reserved group would be desirable. He stressed on the necessity of immediate separation of the executive and judicial functions.

### **Southborough Committee**

The Southborough Committee, regardless of the increase of the size of the Council recommend for five seats to the landholders in Bengal Provincial Legislative Council—the same number that they enjoyed under the previous Act. The Government of India rejected the proposal of the Advisory Committee increasing the number to seven. The Salbourne Committee recommended that the question should be reconsidered by the Government of India in consultation with the Local Government, which was never done.

### **Parliamentary Joint Committee**

The Parliamentary Joint Committee, appointed to report on the Government of India Bill, thought that the representation given to the landholders in Bengal was inadequate and recommended that the Government of India should consider the question of special representation of landholders in the Provinces in consultation with the Local Governments. The Association in a representation protested *inter alia* against



the insufficient number of seats allotted to the Zemindars on the grounds that only matters essential to the landholders had been placed on the list of Transferred Subjects so that the time and attention of the reformed Council would mainly be devoted in considering other matters of importance in exclusion to those relating to the landholding community. As a matter of fact, as land held a key position in the economy of Bengal more than half of the enactments in the previous legislatures related to land. Moreover, the landholding classes had always come forward with generous contribution towards all important schemes of water supply, establishment and maintenance of educational institutions, hospitals and dispensaries, in the construction of road and bridges, and had a share, big or small in the well-being of the rural population. The Road and Public Works Cesses principally paid by the Zemindars met half of the cost of the nation-building projects and the other half was collected by them without remuneration from their tenants. In such circumstances the number of seats allotted to them under the new reforms was deemed proportionately much less than what they had under the Act of 1909. The Association demanded that the minimum number of landholders' representations should be fixed at ten for the Bengal Legislative Council and at three for the Imperial Legislative Assembly, and that such seats should not be elected on the communal principle, as Mahomedan landlords had no special interest as Mahomedans, apart from their interest as landlords.

### **Darjeeling and Reforms**

In the year 1920-21, there was a proposal to deprive Darjeeling of the benefits of the Reform Scheme. In a telegram to the Secretary of State for India the Association opposed the move and stressed upon the geographic, historic, religious and linguistic link that the Gurkhas of Darjeeling had with the plains-people of lower Bengal. Educationally, Darjeeling was superior to the neighbouring districts of

Dinajpur, Jalpaiguri and Rangpur. And the most important thing was that in the memorials submitted by the people of Darjeeling both in December 1917, and May 1920, to the Secretary of State they did not demand this differential treatment. Eventually the Reforms Schemes were made applicable to Darjeeling as well.

Since the Reforms Scheme came into operation in India, the chief architect of the Government of India Act of 1921, Mr. Montagu was dropped from the British Cabinet. Maharaja Manindra Chandra Nandy, K.C.I.E., of Cossimbazar, President of the Association at the Annual General Meeting held on March 31, 1922, deplored his exclusion from the Cabinet, as he had proved himself to be a sincere friend of the people of India and had supported their claim for political advancement. The Legislatures in India too gave unmistakable expression to their sentiment of gratitude for him.

### **Simon Commission**

In consonance with the terms of the Government of India Act of 1919, the constitution of the Royal Statutory Commission, popularly known as the Simon Commission, was announced late in 1927. To focus public attention on some glaring defects in the proposed constitution, Hon'ble Sir Rameshwar Singh, G.C.I.E., K.B.E., Maharajadhiraja of Darbhanga, took this opportunity to call a Conference on December 30, 1927, of the landholders of Bengal, Bihar, Orissa and Assam at his Calcutta residence at No. 1, Middleton Street.

### **Landholders' Representation**

The Conference urged on the Government the need for larger representation of the landholding community in the Provincial and Central Legislatures in the future constitution of India. It suggested that in the Provincial Legislatures of



Bengal and Bihar the number of landlord members should be doubled and in the Central Council Bengal, Bihar and Assam each should have one. Among other things, the Conference resolved that in each Province and in the Centre there should be two chambers of legislatures and that the District of Goalpara in the Province of Assam, which was ethnologically a part of Bengal, should be re-united with the Bengal Presidency.

### **Visit to Calcutta**

In February 1928, the Simon Commission visited Calcutta for the first time. In spite of the great public agitation over its constitution, the members of the Commission were welcomed by a large section of the people. On February 21, the Commission received a deputation on behalf of the Association. It was led by Maharaja Bahadur Sir Prodyot Coomar Tagore, Vice-President of the Association and consisted of Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Cossimbazar, Maharajkumar Uday Chand Mahtab of Burdwan, Raja Maniloll Singh Roy, C.I.E., of Chakdighi, Raja Bijoy Singh Dudhuria of Azimganj, Raja Bahadur Bhupendra Narayan Sinha, M.L.C., of Nashipur, Mr. P. N. Tagore and Mr. Bijoy Prosad Singh Roy.

At the Annual General Meeting of the Association held in March 1928, considerable difference of opinion arose amongst the members of the Association on the value of offering co-operation to the Simon Commission. Leading the opposition, Mr. Tarak Nath Mukherjee, M.L.C., of Uttarpara associated himself with the sentiments expressed by the All-Parties Conference at Delhi and the Liberal Federation in Bombay. The Association, however, by a majority decided otherwise. In June 1928, the Association submitted a detailed memorandum to the Simon Commission.

The Association hoped "that the recommendations of the Commission will lead to a large measure of advance

towards responsible form of Government” and that such advance, “while being generous and marked, would be suitable to the conditions of Bengal and of India.” It emphasised that for ordered progress and development of responsible government, full provincial autonomy subject only to the setting up of an Upper House by way of safeguard, was essential. It stated that in Bengal agriculture was the main occupation of the people, and responsible government implied that there should be adequate representation, both of the proprietors of land and of the cultivators, in the legislature. The Association claimed at least one-third of the elected seats, i.e., about 30 in the Local Council for the representatives of the landholding community. It stressed that in the peculiar condition of India, representation through such special constituencies like those of landholders was not only inevitable but desirable. If the Zemindars were not to be precluded from contesting general constituency seats, their special constituency seats should be raised from 5 to 15. The Association suggested considerable increase in the number of the electors in the Landholders’ Constituencies by lowering the franchise. The Association proposed one seat for every 7,000 voters as against existing 1,150. The Association was in favour of a complete separation of rural and urban areas for the purpose of election. It suggested the abolition of communal representation, but was prepared to concede the reservation of seats for safeguarding the interest of the minority communities.

### **Bi-Cameral Legislature**

The Association recommended a two-chambered legislature for the Provincial Government, and was in favour of the abolition of diarchy, which made the position of a Minister anything but enviable. The Governor would be the constitutional head. The system of joint responsibility in the relationship of Ministers should be evolved. The number of Ministers need not exceed four, and the artificial distinction



between transferred and reserved subjects should be done away with. It advocated that Central control over the provinces should be minimised as much as possible subject only to the needs of defence, avoidance of inter-provincial or inter-communal clashes, and for the protection of the interests of the Native States.

### **Meston Award**

The Association was of opinion that Bengal had been badly let down in the Meston Award, and that without financial solvency, autonomy for Bengal would be meaningless.

### **Agricultural Income Tax**

When the Commission visited India for the second time, the President of the Association sent them a message of welcome. On January 15, 1929, a deputation on behalf of the Association led by the Hon'ble Sir Rameshwar Singh, G.C.I.E., K.B.E., Maharajadhiraj of Darbhanga, ex-President of the Association, waited on them and tendered its evidence before the Commission. In the evidence the deputationists conceded that there had been a great increase in the value of land since the settlement of 1793, but that those profits were mostly intercepted by the middle classes who did not directly contribute anything to the provincial revenues. Lord Burnham of the Commission then suggested imposition of Income Tax on agricultural income so as to find money for the nation-building subjects like education, etc. Before the Commission, Lieut. Bijoy Prosad Singh Roy strongly urged for complete provincial autonomy and removal of communal electorate. Even if joint electorate could not be introduced he would rather take the risk of full provincial autonomy with the Department of Law and Order transferred to popular Ministers. He made it clear that influential sections of Mahomedans led by Mr. Jinnah, Sir Ali Imam, the Maharaja of Mahmudabad and Dr. Ansari had roundly condemned communal electorate. Lieut. Bijoy Prosad Singh Roy also made it clear that if communal electorate continued

for another term of five or ten years, it would be more difficult to eliminate it and go back to joint electorate.

To meet the members of the Indian Statutory Commission on January 25, 1929, the Association took the initiative to arrange for a garden party in Calcutta in collaboration with the Indian Central Committee, the Bengal Chamber of Commerce, Bengal Landholders' Association, Mymensingh Landholders' Association, European Association, Central National Mahomedan Association, Marwari Association, Calcutta Trades Association, Mahomedan Literary Society, Anglo-Indian and Domiciled European Association and Anglo-Indian and Domiciled European Federation (Bengal). About 2,400 guests were invited. The major portion of that expenses were borne by the Association.

### **Report of the Statutory Commission**

The Report of the Indian Statutory Commission was published in 1930. Its recommendations fell far short of the principles for which the Association had all along been agitating. For instance, the Association stood for provincial autonomy, responsibility in the Centre subject to safeguard during the transitional period, protection of the interests of the minority communities and introduction of the Second Chamber both in the Centre and in the Provinces. The Statutory Commission recommended neither full provincial autonomy nor responsibility in the Centre but advocated the abolition of the special representation of the landlords. The Association issued a short statement in protest, putting forth its considered judgment on the above matters once again. Besides, it organised an All-India Landholders' deputation to His Excellency Lord Irwin the then Viceroy of India at Simla, which the Association had the privilege to lead. The following organisations participated in the deputation :

The British Indian Association, Lucknow ; Agra Province Zemindars Association, Bihar Landholders' Association ;



Orissa Landholders' Association ; U.P. Landholders' Association ; Madras Landholders' Association ; Chotanagpur Landholders' Association ; Goalpara Zemindars' Association ; East Bengal Landholders' Association ; North Bengal Landholders' Association ; Mymensingh Landholders' Association, and the Dinajpur Landholders' Association.

The following gentlemen, among others, formed the deputation :

Maharajadhiraja Kameswar Singh Bahadur of Darbhanga, Raja Bahadur Kushal Pal Singh of Kotla, Raja Bahadur of Amwan, Birkar Narayan Chandra Dhir Narendra, Raja P. C. Lall of Nazarganj, Rai Bahadur Dilip Narayan Singh, Babu Maheswari Prosad Narayan Deol, Maharaja Sir Radha Prosad Singh Bahadur, K.C.I.E., of Dumraon, Maharaja Bahadur G. P. Singh of Gidhour, Maharaja Bahadur G. M. P. Sahi of Hathwa, Nawab Se. Moinuddin Meerza of Khagra, Rai Bahadur Syam Nandan Sahaya, Sir Mohammed Muzammilulla Khan, Hon'ble Raja Nawab Ali Khan, Raja Radhikaraman Prasad Sinha of Surapur, Syed Altaf Ali, Hon. Mr. Surpat Singh, Hon'ble Mr. Nirmal Kumar, Mr. Iskhandar Ghuznavi, Hon'ble Kumar Charanjit Singh, Hon'ble Rai Bahadur Ramnaran Das, C.I.E., Nawab Jamasaid Ali Khan, O.B.E. and Raja Bahadur of Bobbili.

The following members, with others, represented the Association at the Simla Conference :—

1. Raja Bahadur Bhupendra Narayan Sinha, M.L.C. of Nashipur
2. Raja Maniloll Singh Roy, C.I.E., of Chakdighi
3. Hon'ble Raja Bijay Singh Dudhoria of Azimganj
4. Kumar Saileswar Singh Roy
5. Lieut. Bijoy Prosad Singh Roy, M.L.C.

6. Mr. Dharendra Kanta Lahiri Chowdhury
7. Mr. Nityananda Singh Roy
8. Hon'ble Lieut. Satyendra Chandra Ghose Maulik,  
and
9. Mr. Profulla Nath Tagore.

After the formal Conference an informal meeting was held in which His Excellency expressed his open sympathy for the landholders' cause. The Government of India was impressed with the augments put forward by the deputation and in their Despatch on Constitutional Reforms they accepted many of the suggestions of the deputationists.

The Association also prepared on behalf of the landholders of India a critical review of the recommendations of the Statutory Commission and submitted it to the Government of India, to the Delegates of the Round Table Conference and to the Members of the British Parliament. In this memorandum the Association laid stress *inter alia* on the following points :

1. Readjustment of the constitution on federal basis.
2. Excepting defence and foreign affairs, Government of India should be autonomous and responsible to the Central Legislature.
3. Central Legislature to be indirectly elected.
4. Rapid Indianisation of the Indian Army according to the recommendation of the Skeen Committee.
5. Provincial autonomy and responsibility to the legislature, with Governor's discretionary powers for the protection of minority rights.
6. Second Chamber for the Centre and the Provinces.
7. Joint electorate with reservation of seats for the minority communities as per Lucknow Pact.
8. Special representation of landholders in the central and provincial legislatures and Electoral Colleges for Depressed Classes.
9. Recruitment of I.C.S. and I.P.S. by the Government of India.



10. Centralisation of the High Courts, separation of the judiciary from the executive.
11. Ratio of Exchange to be altered.
12. Tax on agricultural income was opposed and suggestion was made for the retention of tax on income at the existing level.
13. Imposition of death duty and terminal tax was not favoured. Development of Indian economy by means of protected tariffs was suggested.

### **Round Table Conference**

Even while the Simon Commission was seized of the task of constitutional reforms in India, there came the historic announcement of Lord Irwin in November 1929, that the natural goal of Indian aspirations was the attainment of Dominion Status. Great interest was created by this announcement in India as well as in England and U.S.A. Political India throbbed at the suggestion of a Round Table Conference. Raja Bahadur Bhupendra Narayan Sinha, M.L.C., of Nashipur, President of the Association, welcomed the announcement and held that the question on minority interest and the formation of future Indian Government could best be thrashed out at a Conference to be held for the purpose.

The Association held an emergent meeting to consider the proposal. In view of the significant position and the stake in the country that the landholders had and the services they rendered to the State and to the society, it claimed due representation for the landholding community in the Preparatory Committee to be set up for the Round Table Conference. Both His Excellency Lord Irwin and the Secretary of State for India assured the Association that at the time of selection of the personnel of the Round Table Conference, its suggestion would be given due consideration.

### **Landholders' Conference**

The Association held an All-Bengal and Assam Landholders' Conference on January 3, 1930, to discuss the whole

matter. Invitations were sent to the Bengal Landholders Association, East Bengal Landholders' Association, Mymensingh Landholders' Association, Dinajpur Landholders' Association, North Bengal Zemindars' Association, Goalpara Zemindars' Association to participate in the function. Special invitations were also extended to Maharajadhiraja Kameswar Singh of Darbhanga, Raja Provat Chandra Barua of Gouri-pore, Nawab Khwaja Habibulla Bahadur, M.L.C., of Dacca, Syed Altaf Ali Chowdhury, M.L.C., Hon'ble Khwaja Nazimuddin, M.A., Bar-at-Law, Hon'ble Khan Bahadur K. G. M. Farouqi, Mr. Abdul Halim Ghuznavi and Mr. Panni, Zemindar of Karatia.

The Conference discussed *inter alia* the question of adequate representation of landholders in the Round Table Conference and urged for a Second Chamber in all Provinces. Another conference was proposed to be held on February 25, in Delhi under the presidency of Maharaja Kameswar Singh of Darbhanga. The Association sent some of its distinguished members to attend the conference. To give a correct indication of its view the Association in a conference passed a resolution reiterating its faith in Dominion as the ultimate goal of India to be attained by constitutional and non-violent means. It could not lend support to the idea of India's complete severance from the British Commonwealth as it was not considered to be a practical proposition at the time.

### **Gandhi-Irwin Settlement**

The tact and statesmanship of Lord Irwin in coming to a settlement with Mahatma Gandhi, a man of transparent honesty, intense patriotism and sincere love of peace were highly appreciated by the Association and this sense was recorded in its Annual Report for 1930-31. The Association felt that a proper beginning had been made towards solution of the tangle. It was glad that the Princes at the First Round Table Conference had agreed to join the Federation and that



the scheme of federation had been accepted by leaders like Sir Tej Bahadur Sapru, the Right Hon'ble Srinivasa Shastri and Mr. Mukundaram Rao Jayakar. It was hoped that a real solution of the communal question would be reached by following the principles advocated by the League of Nations for the protection of linguistic, racial and/or religious minorities.

Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan, an ex-President of the Association, who had been then in London, kept himself in constant touch with Indian affairs and took a special interest in the political development of Bengal. The Association requested Lord Irwin to nominate the Maharajadhiraja Bahadur of Burdwan on the Round Table Conference and in addition suggested the name of Hon'ble Raja Sir Manmatha Nath Roy Chowdhury of Santosh, Hon'ble Sir P. C. Mitter, C.I.E., was attending the Round Table Conference on behalf of the Government of Bengal. Until lately, he was the Honorary Secretary of the Association. In view of his special knowledge of the system of land-tenure and of the condition of the people in the province, the Association requested him by a resolution to present the landholders' case also before the Conference, and to try his best to secure proper safeguard for the landholders' rights, under the Permanent Settlement, in the future Constitution.

### **Population and Representation**

On May 20, 1931, in a memorial to His Excellency Sir Francis Stanley Jackson, Governor of Bengal, the Association made it a point of grievance that whereas Government was pleased to appoint as many as twelve gentlemen from Bombay to represent a population of 1.9 crores, eleven gentlemen from Madras to represent 4.2 crores of population, not more than five gentlemen from Bengal had been nominated to represent 4.6 crores of her population. The Association strongly urged that at the Second Round Table Conference the Bengal

landholders be given a larger representation, particularly because the Congress, in its Karachi session, had foreshadowed fundamental economic changes affecting landlordism. The Association subsequently adopted a resolution on a motion of Sri P. N. Singh Roy, in which the Government was requested to nominate Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan and Maharaja Bahadur Sir Prodyot Coomar Tagore in addition to Sir Provash Chandra Mitter. In a note to Government, on the subject, the Association stressed that without additional representation the case of Bengal was likely to suffer materially.

To enable the Government to make its proper choice, the Association, later suggested for nomination the following names: Raja Bahadur Bhupendra Narayan Sinha, M.L.C., of Nashipur, Hon'ble Raja Manmatha Nath Roy Chowdhury of Santosh, Hon'ble Lieut. S. C. Ghosh Maulik, and Mr. P. N. Tagore. On May 23, 1931, a deputation consisting, among others, of Maharaja Kumar Uday Chand Mahtab of Burdwan, Mr. Pashupati Nath Deb and Kumar Bishnu Prosad Roy urged on the Governor at Darjeeling to extend adequate representation to the Bengal landholders at the Second Round Table Conference. However, the Association's efforts to secure larger representation for Bengal and special representation for Bengal landholders did not succeed. The authorities which had allowed Bengal to go unrepresented in the Federal Structure Sub-committee of the Round Table Conference remained adamant.

### **Minority Sub-Committee**

The Minority Sub-committee of the Second Round Table Conference met and dispersed without coming to any agreement at all. Similar was the fate of the Consultative Committee of the Round Table Conference that met in session in Delhi. Some of the Mahomedan members of the Minority



Sub-committee complicated the situation by threatening at Lahore "Direct Action" in the event of their fourteen points not being conceded in full by the Government. The thorny problem of the minorities remained unsolved. The Association felt very strongly that the landlords' position would be precarious until and unless the landholders were treated as a minority community. It maintained that the scheme for the constitutional reform which the Association had earlier submitted was sufficiently elastic to accommodate the conflicting interests of different castes, creed and communities.

### **Franchise Enquiry Committee**

While the Round Table Conference had been deliberating upon the broad constitutional structure, a Committee under the Chairmanship of Lord Lothian toured the Provinces to ascertain public opinion in India mainly on the question of franchise under the proposed Constitution.

To the Indian Franchise Committee the Association submitted a written statement in which the following point were advanced :

For election to Provincial Council a person of 25 years shall be a voter if he or she is a voter in a Municipal Corporation or District Board or Union Board or if he or she was assessed to Income Tax in the previous year or if he or she was literate or if she, being 25 years or over, was the wife or widow of a voter.

The Association claimed special representation for landholders. Constituencies like those to represent industry and commerce were to be set up. Alternatively, the franchise qualifications for landholders constituency should be reduced by 50% in the matter of land revenue, the cesses remaining the same. It maintained that in the absence of representative Trade Unions special representation if given to labourers would give rise to complications. The Association was

against the reservation of seats for women but agreed to the co-option of women members to an extent not exceeding 5%. As regards depressed classes the Association held that the general extension of franchise would greatly help them and there was no need for separate representation for them.

### **Federal Legislature**

As regards the Federal Legislature the Association maintained that the Upper Chamber should be indirectly elected while the Lower House was to be directly elected with high franchise qualifications.

On February 17, 1932, at No. 1, Council House Street, representatives of the Association comprising of the Hon'ble Raja Bijay Singh Dudhoria of Azimganj; Hon'ble Lieut. S. C. Ghosh Maulik; Mr. Amulya Dhone Addy; Mr. P. N. Singh Roy; Mr. Jyotish Chandra Bhose; Mr. Profulla Nath Tagore and Kumar Surendra Nath Law were examined by the Franchise Enquiry Committee under the Chairmanship of Lord Lothian and the Provincial Franchise Enquiry Committee.

Mr. P. N. Singh Roy on behalf of the Association deftly put the case of the Association before the Franchise Enquiry Committee. He made it clear that the British Indian Association, which had a membership of about 200, out of some 900 big landholders in the Province, each paying at least Rs. 4,500 as revenue and Rs. 1,100 as cess, had the privilege of nominating one person to the Provincial Legislative Council even under the Morley-Minto Reforms but had not been shown this privilege under the Reforms Act of 1919. As the total membership of the Bengal Provincial Council was going to be trebled he expected that the landholders' quota also would be increased in that proportion, and these seats would be filled up by the representatives of landholders' organisations like British Indian Association, North Bengal Landholders' Association, the Bengal Landholders' Associa-



tion, East Bengal Landholders' Association, Dinajpur Landholders' Association, etc. For that purpose the British Indian Association was willing to get itself registered under the Act of 1860. He claimed to put his demand at nothing less than three representatives for the Association. The advantage of the modified grouping system would be to increase community of interest among the landholders who were scattered among different Associations and this would also mean more membership for the British Indian Association. Of course, out of the landholders' quota, seats would be allotted to the landholders organisation on the basis of their importance as determined by their membership. Special representation was claimed for the landholders not on the ground that they simply constituted a minority but because they had special interests to be safeguarded, had big stakes in the country, paid the highest amount of revenue to the Bengal Government and constituted the most stable element in society. This would also secure some equality of representation for rural and urban areas. Landholders should have the freedom to come in through General Constituencies also, but such persons would not be fit representatives of the masses as well as of the special interests of the landholding community.

### **Women's Representation**

As regards women, Mr. Singh Roy made it clear that the Association certainly wanted them to be members of the legislatures but he suggested mixed general electorates of both sexes to create mutual confidence in them. The Association was confident that sufficient number of women candidates would be returned in course of time though, at the beginning, it might not be so. The Association suggested a system of co-option for them. This suggestion of the Association tallied well with what had been put forward by Mrs. Sarojini Naidu in the Round Table Conference in which on behalf of the Indian women she maintained that they had no mind to beg for special or reserved seats in the Legislature

### Legislative Council

In 1932, of the total of 140 members of the Bengal Legislative Council, some 14 or 15 were members of the Association. Still the Association entertained justifiable apprehension that landholders as such would fail to get themselves elected under the new Constitution unless they had special representation as advocated by the Association. There might be difference in their religion but their interest as landholders was the same. In fact, the Association had on its membership roll landholders professing Hindu and Muslim faiths and also representatives of the various sub-section and castes of the Hindu community. Their common economic interest was the reason for regarding them as a special interest. If separate electorates continued, even if the landholders could secure representation, the Association would yet not agree to the landholders percentage of seats being merged in the general seats. The Association wanted freedom for the landholders to elect a Zemindar from the Mahomedan or any other community.

Mr. Singh Roy was in favour of adult franchise as a goal but for the time being he thought votes with limited qualifications would be most desirable. As regards depressed classes he maintained that there were many sub-castes amongst them. If they were given separate representation it would give rise to grave complications.

### The "White Paper"

At the conclusion of the deliberations of the Round Table Conference, the British Government issued a White Paper embodying their proposals for the constitutional development of India. The Association was glad to note that the White Paper admitted the need for the establishment of an Upper Chamber in the Provinces. It was the successful culmination of the landlords' unceasing effort for it since 1929. It was proposed in the said document to prescribe high pro-



perty and other qualifications for the membership of the Upper House. The Association submitted that the holding of honours equivalent to or higher than a Dewan Bahadur might be regarded as another cogent qualification. The Second Chamber as thus composed would be able to provide sober second thoughts to legislative measures sponsored in the Lower House.

### **Distinction between U.P. & Bengal**

The White Paper made invidious distinction between the U.P. and Bengal in the composition of the Upper Chamber. Whereas in the former there were to be 60 members directly elected except for nine who were to be nominated by the Government, the latter was given a House of 65 strong—all indirectly elected except for 12 members to represent General Constituency. The Association suggested that members in the Upper Chamber in Bengal should be returned entirely by the method of direct election.

The White Paper proposed 250 members for the Bengal Assembly and only 65 for the Bengal Council. The ratio being about one quarter, the Association suggested enlargement in the size of the Upper Chamber so as to enable it to function as an effective Second Chamber. The landlords of Bengal were particularly disappointed at the inadequacy of representation given them in the White Paper. They were allotted only five seats as before, though the number of members in the Bengal Assembly had been raised by the White Paper from 140 to 250. The landlords felt that sufficient consideration had not been given to the contribution they had made to the progress and prosperity of India.

### **Permanent Settlement**

In a monograph published by the Association on the White Paper it also traced the history of the origin of Permanent Settlement in a resolution of the House of Commons in 1784. It was later approved by an authority who

represented Parliament and was therefore essentially a parliamentary measure. Accordingly, the Association claimed that the Permanent Settlement was entitled to be included among the Fundamental Rights to be specified in the Constitution Act to be framed or among the "special responsibilities" of the Governor.

The proposal contained in the White Paper formed the subject of an interesting debate at the Annual General Meeting of the Association held on March 31, 1933. Every body present welcomed the proposal for a Second Chamber for Bengal. It was unanimously suggested, however, that the Second Chamber should not be constituted on communal lines, it ought not to be a mere replica of the Lower House, and it should be composed of members to be directly elected. The meeting also strongly recommended for providing adequate special representation for the landholders.

### **Safeguards**

The President, Mr. P. N. Tagore, commented upon the various safeguards with which the White Paper bristled. These, he felt, were measures reflecting British distrust of India. "Less of brakes and more of sympathy and trust might have smoothed the situation" he opined. He still hoped that the Joint Parliamentary Committee would liberalise the provisions of the Constitution. "I should advise you" said he, "to struggle for full Provincial Autonomy; leave aside the Federation which is not likely to materialise in our generation, so long as diehards in England and India are what they are, and the conditions precedent to the establishment of it remains impossible of fulfilment."

### **Landholders Seats**

The President trenchantly criticised the British Government on their failure to allot more than five seats to the landholders, although the size of the Bengal Legislative Assembly had been proposed to be numerically enlarged from 140 to 250. He pointed out that if individual landholders



by dint of their merit, culture or public activities could secure some of the General Constituency seats, that was no reason why justice should not be done to the class as a whole by allowing them their due share of representation. Moreover, the President pointed out that landholders returned from these other Constituencies would be bound in conscience to follow the mandates of their electors, rather than function as staunch upholders of the landholding interest.

In the Constitution of the Federal Assembly consisting of 250 members, only one seat was allotted to the landholders of Bengal out of 37 specified for Bengal.

Later in the year, the Association in a resolution stated that though the proposals in the White Paper were an advance towards responsible self-government yet it was not "a substantial instalment which will satisfy the aspirations of the people." The Federation was uncertain. The special powers and final control of the Governor-General and the Ministers not given control over the services were opposed to the very concept of self-rule. The Association maintained that the provincial autonomy as provided for in the White Paper would not be workable in Bengal so long as full financial readjustment was not made and the two chambers of legislature were not framed on non-communal basis. It protested against the Upper House being practically a counterpart of the Lower House. It expressed deep disappointment at the failure of the Government to do bare justice to the landholders in providing them with adequate representation both in the Lower and Upper Houses of the Provincial and Federal Legislatures. The Association also opposed the constitution of the Statutory Railway Board, which would be independent of the Indian Legislature.

### **Communal Award and the Poona Pact**

The Round Table Conference had not finalised its deliberations when, on August 17, 1932, the Communal Award of Prime Minister, Mr. Ramsay Macdonald was

announced. It tended to create a permanent cleavage in the Hindu Society by dividing its members into two separate sectors—the caste Hindus and the Depressed Classes. Its ultimate object was to weaken permanently the more educationally advanced and politically conscious Hindus. The Award wanted to slice off a good portion of the total representation given to the Hindus, and to reserve the sliced off seats in the legislatures for the Depressed Classes. In Bengal the Depressed Classes under the Award would vote in General Constituencies but that there they would have ten special seats reserved for them, and that the arrangement would cease after twenty years. The Award met with approval of the leaders mainly of the Depressed Classes. The Association adopted a resolution strongly condemning the Award and expressing its firm conviction that it would “widen the gulf between the different communities”. It protested against “the unfair treatment meted out to the Hindu community of Bengal and against the gross injustice done to the landholders of this province by denying them their legitimate number of seats in the provincial legislature.” It urged upon all communities in Bengal to “present a united front in this hour of their national trial” and arrive at an agreed solution. Mahatma Gandhi also considered that it would disrupt the Hindu community. The Prime Minister, Mr. Macdonald, in his reply dated September 8, 1932, pointed out that the Award provided the Depressed Classes only with a minimum number of spokesmen. Mahatma Gandhi on September 20, 1932, resolved to fast unto death unless the scheme was revised by the Government so far as it affected the Depressed Classes. Under the compelling influence of the fast, a scheme was evolved in haste at Poona, which received Mahatma Gandhi’s assent on September 24, 1932.

### **Poona Conference and Bengali Hindus**

At the Poona Conference where the scheme was evolved, Bengali Hindus were neither invited nor were present.



According to the scheme, out of the 80 General Constituency seats, 30 seats were to be reserved for the Depressed Classes until determined by mutual agreement; this would in any event terminate after ten years. The Depressed Class voters were to form a separate electoral college for the purpose of choosing a panel of four nominees for each seat to be contested and then voting for Depressed Class candidates would be confined to the said panel of four nominees. On September 26, 1932, the Home Member announced in the Central Legislative Assembly the acceptance of the Pact by His Majesty's Government. On December 14, however, 25 Hindu Members of the Bengal Council, and a week later, nine Bengali Hindu Members of the Central Legislative Assembly, protested against the acceptance of the Pact without the knowledge and consent of the Bengali Hindus. On the same date, Pandit Madan Mohan Malaviya convened an All Parties Conference at Allahabad. The Association extended all possible sympathy and support to it. To facilitate a compromise, the Association agreed to accept even 51% seats for Muslims in the Bengal Legislature, provided general seats for Hindus would be not less than 44.7 per cent. A representative Conference was held in the Hall of the Association on January 11, 1933, under the presidency of Sir B. B. Ghose. It passed a resolution pointing out the basic contradictions in the Pact. There was hardly any caste Hindu in Bengal to support the Poona Pact. It was found on close examination that the only difference between the Award and the Pact was this that whereas the Award allowed separate election on a small scale in a restricted area, the Pact enforced separate election in the primary stage on a larger scale all over the Province. It was bound to drive a wedge into the body politic ostensibly to prevent which Mahatma Gandhi undertook his historic fast.

In the course of a carefully prepared memorandum to Government, dealing exhaustively with the subject, the

Association pointed out that according to Government enumeration, the Depressed Classes which numbered about 80 lakhs were divided between 86 special sub-castes. They had little cohesion among them and were scattered all over the Province. The Namasudras numbered 20 lakhs and the Rajbansis numbering 14 lakhs, more or less, were concentrated in certain recognised areas in East and North Bengal. It was difficult to see how one sub-caste of the Depressed Classes could adequately represent sub-caste.

### **Depressed Classes**

Nor was there any convenient test to determine whether a Hindu belonged to the Depressed Classes or not. For example, Government of India in 1916 meant by the expression "Depressed Classes" criminal aboriginal tribes and untouchables. Sir Henry Sharp, Educational Commissioner with the Government of India in 1917, considered untouchability as the acid test; so did the Southborough Franchise Committee in 1919. This principle was accepted by the Simon Commission, the Indian Central Committee and the Lothian Committee, the last of which maintained that "untouchability consists in (i) "denial of access to the interior of ordinary Hindu temples, (ii) causing pollution by touch or coming within a certain distance." In its memorandum the Association pointed out that according to the first test, viz., temple entry, there was hardly any untouchable in Bengal. As regards the second test, viz., non-approachability, the position was much less orthodox in Bengal than in Madras, and this affected a very much smaller number.

### **Backward Classes**

At the time the Government of Bengal published a provisional list of backward classes but many of those who were included in it objected to be described as 'Depressed'. The Association stated that in the Bengal Legislative Council seven out of the 57 general seats were held by members of



these so-called Depressed Classes. The Association held that on the lowering of franchise, that quota was sure to be doubled, so that in a House of 250 under the new constitution the caste Hindus of Bengal would have to be content with barely thirty-three seats. It was easy to see that the smooth working of the administrative machinery could not be expected when the caste Hindus were relegated deliberately to such a subordinate position in Bengal.

### **Joint-Electorates**

In the autumn session of the Bengal Council a resolution brought forward by Maulvi Samad in favour of joint-electoralates for Hindus and Moslems was passed. Since then the Bengal Council also voted for joint electoralates both for municipalities and Local Boards. Lieutenant Bijoy Prosad Singh Roy, Minister-in-Charge of Local Self-Government, in introducing to the Calcutta Municipal Amendment Bill, 1932, stated that he had the support of the Hindu and the Muslim leaders to the provision for joint-electorate and other proposed changes. These not only vindicated the Association's stand on the communal issue, but clearly showed that it had the backing of a large section of the people of Bengal. The nationalist Muslims at the Lucknow Conference of 1916, at the Faridpur Conference of 1925 and at the Bengal Presidency Moslem Conference of 1932, strongly supported the proposal of joint electoralates for Bengal. (The Hindus were all along in favour of joint-electorate.) Even the British Prime Minister himself in his speech before the House of Commons in January 1931, exposed the hollowness of the claim for separate electoralates or even for reservation of seats for particular communities in India. In the course of his presidential address at the Annual General Meeting of the Association held on March 31, 1933, Mr. P. N. Tagore after discussing the hectic conditions under which the Poona Pact was hatched, called upon all—whether in or out of the Association, to do their best to obtain an annulment of the

Pact. When there was a great body of opinion in favour of joint-electoralates for Hindus and Muslims, it was unthinkable that a segment of the great Hindu community would be politically segregated, and that the division would be rendered complete by means of separate electorate even at the primary stage, as had been provided for in the Pact.

### Majority Community

The Muslims constituted the majority community in Bengal. In the usual course, on population basis, they would have secured the largest number of seats in the Legislatures, but in spite of that the author of the Award, for reasons best known to him, provided them with some more seats by way of additional political weightage on the Hindus. The Association in its Memorandum protested against this unjust and inequitable provision of the Award. It was pointed out that this would only help to convert a sectarian majority into a permanent political majority, which would be impossible to be dislodged from power by constitutional means. It was thus bound to stifle the growth of democracy. Even the 'Monford Report' clearly stated in para 23 that "We see no reason to set up communal representation for Mahomedans in any province where they form a majority of the voters." Thanks to the extension of franchise which assured a majority of Muslim voters in Bengal, there was clearly no further need to protect their interest by means of separate electoralates or reservation of seats. Mr. C. Y. Chintamani, a well-known liberal leader of Northern India, said at the Round Table Conference: "I am of opinion that separate electoralates have had a very prejudicial effect on the working of the legislatures in that a premium has been placed on communal overzeal." Sir P. C. Mitter, for over four years the Honorary Secretary of the Association, and twice nominated by Government to represent Bengal at the Round Table Conference, in his note of dissent on the Bengal Report said: "Before the introduc-



tion of communal electorates with a wide franchise as a result of the Reforms, breaches of the peace between Hindus and Muhammedans due to communal tensions were practically unknown, at any rate in rural Bengal. In my opinion, the introduction of these communal electorates with a wide franchise is an important contributory cause of those breaches of the peace." There could be no severe indictment of communal electorates.

### **'India Despatch'**

Contrary to the letter and spirit of the Government of India Despatch on the Simon Report which regarded the communal electorates as "serving a temporary purpose", it was going to have a permanent footing. It is necessary to observe that there was no place for communal representation in the constitution of any of the western nations including that of Turkey, and even the League of Nations did not seek to protect political and administrative interests of minorities at all.

### **Communal Award**

The Award was perverse in not only ignoring altogether the legitimate demands of the Hindus who were in minority in Bengal but also in subjecting them in other ways to unequal treatment of a most galling nature. The Association stressed on the fact that as minority community in Bengal, the Hindus did not receive any weightage for themselves though they had to make almost the entire contribution towards the weightage given to Christians and Europeans. Even then on total population basis they would have got 97 seats and 49 seats on the basis of total and adult population, respectively, but this number was further reduced with a view to give more seats to the Muslim majority. The Simon Report found "the claim of the Mussalman community to keep their weightage in the six provinces where they are in the minority and at the same time to want their representation in Bengal pro-

portionate to their population to be unfair.” But this patent unfairness received the seal of approval in the Prime Minister’s Award and was given an opportunity to perpetuate itself.

Later, in the year 1935-36, when public agitation against the excesses of the Poona Pact had died down, the Association expressed its considered opinion on paragraph 7 of the Fifth Schedule to the Government of India Bill, 1930. The Association now maintained that in the primary election the number of scheduled caste candidates should not be reduced, that withdrawals of candidates after primary election should not be permitted and that only scheduled caste panelled candidates should be permitted to contest the unreserved seats along with the candidates of the caste Hindus.

### **Report of the Joint Select Committee**

The proposals of the British Government embodied in the White Paper, the criticisms these had evoked both in India and England, and the results of the deliberations of the Round Table Conference were placed for further scrutiny by a Joint Select Committee of the British Parliament in 1933. It was evident that in the light of the above, the Committee would give final touches to the Bill for introduction of Constitutional reforms in India. The Association accorded to this important stage in constitution-making the consideration and attention it deserved.

In a Memorandum dated June 1, 1933, submitted before the Joint Select Committee, the Association stressed that the Permanent Settlement Regulations of 1793, should be safeguarded by incorporating them in the Fundamental Rights to be specified in the Constitution Act, as recommended in the White Paper or, in the alternative, by placing them within the Governor’s “special responsibilities”. The Association further suggested that legislation affecting the cardinal principles of the Permanent Settlement should not be undertaken without special sanction of the Governor, and this



should be included in the list of his special responsibilities, and should also be specified in the instrument of instructions.

### **Upper Chamber**

The White Paper had acknowledged the necessity of an Upper Chamber in Bengal and the Association suggested in its memorandum that this Upper House should be constituted with restricted franchise and be composed of men returned directly through General Constituencies. Its strength must be raised to at least 100, and it must not be a mere duplicate copy book of the Lower House. If indirect election was at all to be maintained, at any rate the electoral college had to be on a basis wider than the Bengal Legislative Assembly. The Bengal Council, however, by a narrow margin of one vote adopted a resolution against a Second Chamber.

### **Chota Nagpur Division**

On the problem of Chota Nagpur Division as an excluded area, the Association submitted a separate representation to the Joint Select Committee on behalf of the Chota Nagpur Landholders' Association. The Government of India Act, 1919, notified this Division as a "Backward Tract", and the Association now urged that "there is no justification for treating this Division differently from the rest of the province of Bihar and Orissa"—a contention which was fully upheld in the Central Assembly resolution of February 10, 1929, and reiterated in the Bihar Council resolution of February 19, 1933. The Association quoted a mass of historical details to prove that throughout the period, before the British power was installed in India, Chota Nagpur was regarded as a part (Subah) of Bihar. The Association wanted a modification of the prevalent system because the notification under the Government of India Act, 1919, had the effect of restricting the powers of both the Central and Local Legislatures, in respect of this Division. For all practical purposes, this Division was on the same level with other parts of the

Province. Yet the White Paper in paragraph 109 proposed a drastic change in its administration which was nothing but autocratic in character. Under the Scheduled Districts Act of 1874, the Governor-General-in-Council had the power to notify an area as "excluded" or "partially excluded". Under the 1919 Act this power rested with the Governor-General-in-Council with the previous sanction of the Secretary of State. The White Paper, however, proposed that this power should rest with His Majesty in Council. This was a greater centralisation of authority which did not commend itself to the Association. In its memorandum the Association very strongly countered Government's suggestion that the aboriginals were of an excitable temper, improvident in nature and that they were incapable of protecting themselves against the wiles of their educated neighbours—factors that could only justify special protection in the hands of the Government. The Association suspected that the reason for the Government measure was to seal off the entire area from the normal operation of the Constitution Act so that the Christian Missionaries might have a free hand with the Mundas, Oraons and Kols of those tracts.

### **Aboriginals' Rights**

In its memorandum to the Joint Select Committee the Association stated 'If Government think that the new Legislature (in Bihar) may do away with their (aboriginals') rights which are secured to them under the Tenancy Act, they are totally mistaken. The future is with the people—the tenantry, and not with the landlord. The danger, if at all, may be to the Zemindar and not to the cultivator.' Faced with the economic consequences of its political demand, the Association had no hesitation in claiming that the Chota Nagpur Division should administratively be put on a footing of equality with the rest of Bihar.

Before the Joint Select Committee on Indian Constitutional Reform evidence was tendered by Sir Bijay Chand



Mahtab, Maharajadhiraja Bahadur of Burdwan, on behalf not only of the British Indian Association but also of the Bihar Landholders Association, and the Bengal Landholders Association.

### **Landholders' Seats in the Upper Chamber**

In a supplementary note to the Association's memorandum, Sir Bijay Chand Mahtab made it clear to the Joint Select Committee that it would satisfy them if in the Upper Chamber for Bengal the Zemindars were given as many seats as in the Lower House, returnable by the special landholders electorate. Each Province, he further added, should have the right to send up at least two landholders' representatives from their special electorate to the Federal Legislative Assembly. In order to provide a stabilising element in the proposed Upper Chambers, he offered the suggestions (i) of an electoral college by which owners of property including territorial or business magnates, ex-members of Government and persons possessing high titles could send their representatives to the Provincial Upper House; (ii) of all hereditary holders of title not less than the rank of a Raja or Nawab to get a seat by right in the provincial Upper Chamber.

In the course of his evidence the Maharajadhiraja Bahadur of Burdwan opined that 250 seats for the reconstituted Bengal Assembly were excessive considering that it was a new experiment. Since the time when he with Sir Tej Bahadur Sapru was on the Reform Committee in 1924, the landlords in general realised that great changes were bound to come. Yet a very large section of the people other than the landholders, could not easily reconcile themselves to a very big franchise. Keeping in mind the territories movement, he still categorically stated that "it does not justify, in spite of everything, the holding back from the people of Bengal the portfolio of Law and Order." If only politicians would not obstruct the public servants in the discharge of

their duties, the risk of transference of the Department to Indian hands was worth taking. He felt that an Indian Minister would be able to deal with disturbances of law and order as efficiently, if not more, as any other non-Indian. The Governor might be given special power to meet the situation. He also wanted that there should be a measure of responsibility at the centre.

### **Retention of Permanent Settlement**

The Maharajadhiraja Bahadur proved it with figures that notwithstanding the fact that Permanent Settlement had long ceased to be of any special benefit to the zemindar, it should be retained in the interests of the *bhadralok* class who had built their property-structure around it and abolition of which would mean extreme hardship to this class. He was strongly of the opinion that the zemindars being non-sectarian, a constituency with joint electorate would be suitable for them. When confronted with the statement that reservation of separate seats for landowning interest was not in conformity with western democratic standards, his reply was, "Even England is not ready for the full programme of western democratic institution. Therefore, India cannot be ready." In reply to a question by Lord Eustace Percy he clarified that the suggested re-enactment in the Constitution of the Permanent Settlement was to include the Cranbrooke extension, excluding the taxation of mineral rights. He gave it as his personal opinion in reply to a question from the Marquess of Zetland, that in future political parties in India would tend to be more class-minded than communal-minded.

The Maharajadhiraja Bahadur of Burdwan's masterly handling of the intricate and vital matters posed by the Joint Select Committee made a good impression on the members of the Select Committee. In a resolution unanimously passed the Association gratefully remembered the help and a co-operation that the Maharajadhiraja Bahadur of Burdwan had extended to the Association. The Association in apprecia-



tion of his conspicuous services accorded him a reception on August 12, 1933.

### **Communal Representation**

Sir N. N. Sircar who was an important Member of the British Indian Delegation that assisted the Joint Select Committee in its deliberations proved the hollowness of the claim for communal representation with a wealth of facts and figures. His sterling services to India were gratefully acknowledged by the Association.

The Report of the Joint Parliamentary Committee of 1933-34, proposed to confer autonomy on the provinces and it was welcomed by the Association as a definite advance towards responsible Government.

The Association expressed its strong disapproval of the recommendations of the Joint Parliamentary Committee based on the Communal Award and the Poona Pact. Not only did it give weightage to a majority community, viz., the Muslims, but deliberately introduced a cleavage among the Hindus by reservation of seats for the different groups of Hindus in the Legislatures. The Association suggested the modification of these recommendations on the lines indicated by Lord Zetland in his amendment to the Report (Volume 1, Part II, p. 336). The Association felt that without these modifications the working of the proposed constitution would be very difficult in Bengal.

### **Indirect Election**

The Association was against the proposed system of indirect election for the Central Assembly. As it considered the proposed electorate to be too narrow, it suggested that the electorate should be widened and made more representative by inclusion of the local bodies. It felt aggrieved that the Joint Parliamentary Committee which extended special privileges to other interests denied the same to the landholding

community and refused their adequate representation in the Lower and Upper Houses of the Provincial Legislature as also in the Federal Assembly. The Association took this occasion to emphasise the necessity of making the provision in the Instrument of Instructions more precise so as to prevent undue interference with the character of the Permanent Settlement. It deprecated the proposal in the Report for the imposition of Income Tax on agricultural income.

The Association also criticised the recommendation in the Report for keeping away secret intelligence reports from the popular Ministers. In such circumstances, the Ministers deprived of fullest confidence of a section of the Government machinery would feel greatly handicapped in the proper discharge of their duties and responsibilities. As it was most likely to affect their independence and undermine public confidence in them, the Association also protested against the recommendation for provincialisation of the High Courts. The Association fervently hoped that the proposals would be given effect to in a true spirit of co-operation so that the Indian people might qualify themselves for the Dominion form of Government in the near future.

On August 2, 1935, the Government of India Act received Royal assent. In a representation to the Government of India in respect of the composition of the Provincial Legislative Assembly, the Association opposed the grant of a seat to the Muslim Chamber of Commerce. It urged on the Government for larger representation to the Howrah and Dacca Municipalities. In respect of the Federal Legislature, the Association suggested the formation of an electoral college consisting of different landholders' associations for returning one landholder member to the Federal Assembly.

The new Constitution widened the franchise considerably and more seats were allotted to the rural areas for which the Association had been systematically agitating over a number



of years. The Association sincerely believed that the new emphasis on rural areas would stimulate a greater attention of the Government and of the political leaders to the rural problems, which had long been neglected.

### **Cripps' Mission**

On March 11, 1942, the British Prime Minister, Mr. Winston Churchill, declared in the House of Commons that his Government would strive to procure assent to the British War Cabinet's resolution to aid India in the realisation of self-government, and he proposed to send a Mission to India headed by Sir Stafford Cripps. The announcement was debated at the annual general meeting of the Association on March 26, 1942, and a resolution was moved from the Chair, hoping that the scheme "would be acceptable to all interests and main elements of the Indian nation." Individual speakers like Maharajadhiraja Bahadur Uday Chand Mahtab of Burdwan and Sir A. H. Ghuznavi, however, were sceptical about the success of the scheme, on the ground that Sir Stafford Cripps had not yet invited the representatives of the landholding community for resolving the political stalemate. Sir Abdul Halim thought that the War Cabinet's decision to send Sir Stafford to placate India was the direct result of the parting message of Marshal Chiang-Kai-Shek who, on his return from India, wanted the Allies to realize that Indians must be encouraged to feel that they had been fighting for their own country. Sir Abdul Halim declared, "Let them take Indians as their fellow men and trust them as equals and then a miracle would happen. I can assure you all, that India to a man would stand and defeat the aggressors, whoever they might be—Germans, Japanese, or Italians." Sir B. P. Singh Roy hoped that Sir Stafford would be able to produce Indian unity, "in this hour of crisis," necessary essential to the setting up of a National Government at the Centre and in the Provinces, and that the unfortunate contro-

versy on two-nations theory and federation or confederation would cease.

### **Simla Conference**

On the release of Congress leaders from detention, Lord Wavell took the initiative to form a National Government within the framework of the Act of 1935, and called a Conference of Indian political leaders at Simla towards the middle of 1945. The Association in its annual report for 1945-56, noted the failure of the Simla Conference, "primarily for the reason that the Muslim League insisted on having full authority to nominate all the Muslim representatives on the Viceroy's Council", to which the Congress and other political parties could not agree. Thereafter, Congress-League relations became considerably strained.

### **Cabinet Mission**

On February 19, 1946, Mr. C. Attlee, the British Prime Minister, announced that three British Cabinet Ministers, viz., Lord Pethick-Lawrence, Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and Mr. A. V. Alexander, First Lord of the Admiralty, would proceed to India towards the end of March to discuss the framing of Indian Constitution. As scheduled, they came with plenary powers to negotiate terms of settlement with the different political parties in India for a peaceful transfer of power to Indian hands. Sir Uday Chand Mahtab in his presidential speech at the Annual General Meeting of the Association on March 28, 1946, observed that if the Mission succeeds, "we shall have to strengthen ourselves by greater alliance with Britain, but in a different way. I am looking forward to the day when we shall meet here on equal terms ; we may perhaps need Britain as our ally and friend for some time to come." In a resolution moved from the Chair the Association extended its welcome to the Mission and expressed the hope that "in



the interests of happy Indo-British relation for the present and the future, there should be immediate and real transfer of power to Indians." The Association believed that the Labour Government was sincere in seeking a settlement. It urged on the Government that landholders who had "an important role to play in the reconstruction of national life should find adequate representation in the proposed Constituent Assembly." In this connection referring to the role that the landlords played in the past and which they could still play in the reconstruction of the country, the President recounted the folly of the tendency to stand apart from united action, noticeable among some members of the landholding community. "It is unfortunate for those of us", said he, "who have done so, and still more unfortunate for our community."

The Cabinet Mission came out to India in March 1946. The Association submitted a detailed memorandum to the Mission. The Association wired Sir Kameswar Singh, K.C.I.E., Maharajadhiraja of Darbhanga, President of the All Indian Landholders Federation, to take steps to secure adequate representation of the landholding interest in the proposed Constituent Assembly. Keen interest was evinced by the Maharajadhiraja of Darbhanga and Maharaj Kumar Sir Vijay of Vizianagram. It spoke highly of the efficient draftmanship and clear grasp of the situation by the Association when the Association's memorandum was accepted as that of the All-India Landholders Delegation with the only addition of a historical background to it. In the Memorandum the Association suggested that India was one and indivisible ; that there was necessity of a favourable treaty with Britain covering India's trade, defence and external relations ; that no private property in land or commercial undertaking should be liquidated without compensation and that representative landlords should not only be consulted in framing an agreed constitution of Indian but that they should be included in the expanded Executive Council of the Viceroy.

The Association's request to the various sister organisations of landholders in different provinces of India to present a joint front received encouraging response and on April 15, 1946, the All Indian Landholders delegation consisting of Sir Uday Chand Mahtab, K.C.I.E., M.L.A., Maharajadhiraja Bahadur of Burdwan, President of Association, Hon'ble Sir Kameswar Singh, K.C.I.E., Maharajadhiraja of Darbhanga, Maharaja of Parlakemidi, Maharajkumar Sir Vijay of Vizianagram and Nawab Sir Muhammad Yusuf presented the memorial to the Cabinet Mission.

On May 16, when the plan of the Cabinet Mission came out, the Association considered it as a classic document to resolve the differences among the major political parties in India. The Association welcomed it for it embodied H.M.G.'s decision "to grant full independence to India within or without the British Commonwealth," and indicated the procedure for that. Extending its approval to the constitution-making machinery for free India the Association held that "the Constituent Assembly should be a sovereign body, free to vary, alter and modify the recommendations in so far as they relate to the future Constitution of India." The Association was critical of the proposal to divide British India into three sections as A. B. & C. even when the Mission had admitted that there was no room for the division of India. The Association maintained that it was "an unwarranted assault on the principle of self-determination if every province is not free from the very initial stage to join the particular group it likes." The Association was glad that the Constituent Assembly would set up an Advisory Committee on the rights of citizens, minorities and tribal and excluded areas and hoped that the expression "minorities" would include amongst others holders of recognised economic interests. It urged that the land-owning community in view of their substantial stake in the country should be given sufficient representation both on the Constituent Assembly and on the proposed Advisory



Committee. It was considered vital that in the prevailing situation an interim Government with the support of the major political parties and economic interests should be set up immediately.

The Association sent to the Congress Party in the Bengal Legislative Assembly a panel of three names, i.e., Sir Uday Chand Mahtab, K.C.I.E., M.L.A., Maharajadhiraja Bahadur of Burdwan, Rai Harendra Nath Chowdhury and Maharaja Sris Chandra Nandy of Cossimbazar—all of them being members of both the Association and the Bengal Legislative Assembly. Sir Uday Chand Mahtab, President of the Association was returned to the Constituent Assembly from Bengal. Sir Kameswar Singh, K.C.I.E., Maharajadhiraja of Darbhanga and Rai Bahadur Shyamanandan Sahai, two other distinguished members of the Association were also elected from Bihar to the Constituent Assembly. The Constituent Assembly thus set up was, however, not a homogeneous group in which the Moslem League representative deliberately adopted obstructive tactics and the princes also were none too eager to enter into negotiations.

### **Statement of February 20, 1947**

The Cabinet Mission Plan brought Congress-League relationship to the breaking point. The Muslim League stood firmly on its demand for Pakistan. Compromise seemed impossible as it would be satisfied with nothing less than separation. Another bold attempt was made by the British Government on February 20, 1947, to resolve the political deadlock in India between the two communities. In his presidential address on March 29, 1947, Sir Uday Chand Mahtab welcomed Mr. Attlee's unequivocal declaration of 20th February as in it "for the first time Britain gives out her final decision to part with power on a definite date." He earnestly hoped that by June 1948, with the unity of the different communities and interest achieved, India would

rightly occupy an honourable position amongst the powerful nations of the globe. His hope was backed by the fact that since the announcement some big Native States had made up their minds to join the Constituent Assembly. He asked every body to remember that, "We the Hindus and the Muslims of India should remember that we are the sons of the same soil and we must live side by side for all times to come."

In a resolution adopted at the Annual General Meeting on March 29, 1947, the Association welcomed the fixation of a definite date for the transfer of power to Indian hands under H.M.G.'s declaration of February 20, 1947, but disapproved of the decision to transfer power "in some areas to the existing provincial governments" in the event of the failure of a "a fully representative Constituent Assembly" to produce an agreed Constitution of the country. Moving the resolution, Mr. P. N. Singh Roy, Honorary Secretary of the Association, apprehended that the British Government might ultimately yield to the Muslim demand for Pakistan. The mover was also critical of H.M.G.'s decision "to enter into fresh treaties with the States" for it envisaged further division of India. The resolution ran thus "The wisest course that Britain should adopt in the matter is to abandon its age-old policy of divide and rule, transfer full and complete power on the declared date to the Constituent Assembly and vest it with sovereign authority."

The declaration of February 20, 1947, only aggravated separatist tendencies in India. It encouraged the Muslim League to start lawlessness on a large-scale in Assam, the Punjab and the N.W.F.P. to intimidate the Congress Ministries there to surrender. It was unleashed in full fury on Bengal and Calcutta in particular to consolidate its position.

For the common mass of men the situation was intolerable. Agreement having been reached at the top level to partition the country and some of the Provinces, Lord Louis Mountbatten announced on June 3, Dominion Status for India



with effect from August 15, 1947, and notional partition on a district basis of Bengal and the Punjab. At a meeting held on June 11, the Association considered the Plan of June 3, and regretted that India had been offered only Dominion Status while complete independence was still some way off and that the division of India had been decided upon by the leaders without a reference to the people. In view of what had already been decided upon, the Association urged upon the Governor-General to appoint a Boundary Commission for a proper demarcation of boundaries. The necessary preliminaries to the partition were swiftly completed. The Association praised Lord Louis Mountbatten for his statesmanship that steered India through these intricate problems to freedom at a tremendous speed without a major breakdown. No body knew at the time, if there was purpose behind this speed.

On August 15, 1947, the long-cherished hope of the Association and of the country reached its fulfilment in abnormal surroundings. Both India and Pakistan attained on that day the status of a Dominion with the explicit right to secede from the British Commonwealth of Nations by June 1948. On this historic day the Association hoisted the flag of the Indian Union on its own premises with due solemnity.

### **Indian Constitution**

The Association was glad that the successors to the British Government in India were neither weak, inept, nor politically immature. It showered tributes upon Sardar Vallabhbhai Patel who by his able handling of the States Ministry forged a new tie of friendship between the rulers and the peoples of the States, with India inducing the representatives of the States to participate in the Constituent Assembly. The political consolidation of the States with India was a feat which the Association felt proud to recall, which 190 years of British rule had not been able to achieve. However, Sir Uday Chand Mahtab, President of the Association, disliked

the breakneck speed with which the process of integration was being pursued. "It will be a pity", he observed, "if directly on the achievement of freedom, India of her own will begins to obliterate historical landmarks which have successfully withstood foreign challenge for ages."

In the opinion of the Association the attainment of Independence was just for the establishment of a stable National Government which will be infused with an intense urge to promote the well-being of all sections of the people. The first essential in this stupendous task was the framing of a Constitution for India that will provide the necessary democratic basis for bringing about this happy consummation. Accordingly from the start the senior members of the Association showed a keen interest in the formation and working of the Constituent Assembly of India.

The Constituent Assembly of India and of Pakistan set up several sub-committees to consider how best to protect the interest of private citizens and of the minorities in the future Constitutions. To the Minorities and Fundamental Rights Sub-committees of the Constituent Assemblies of India and Pakistan the Association sent a representation claiming dual citizenship for those persons who had properties in one Dominion and resided in the other or had properties in both. It stressed that unless the same principles of citizenship were adopted in both the States, great hardship would befall them. In this connection the Association instanced the willingness of the Governor-General of Pakistan, Mr. M. A. Jinnah, to retain his Indian citizenship.

On the Advisory Sub-committee on Fundamental Rights, Minorities, and the Administration of Tribal and Excluded Areas of the Indian Constituent Assembly Sir Kameswar Singh, K.C.I.E., Maharajadhiraja of Darbhanga, ex-President of the Association, was nominated. In October, in a representation to the Constituent Assembly the Association urged



that if special consideration were shown to any particular interest like "labour" or "commerce", landholders also, in all fairness, should be shown the same consideration. It suggested that if seats were specially retained for landholders as such in the Central and Provincial Legislatures, their election might be effected through recognised landholders organisation as in the case of Commerce and Labour.

The all-important work of framing a constitution for India was taken up and proceeded with in right earnest. The Drafting Committee lay before the public its Report on February 21, 1948. It was discussed on November 4, in the light of public comments on its provisions. The Association submitted its observations to the Constituent Assembly of India. In connection with the preamble the formation of new States and alteration of areas, citizenship, abolition of untouchability, abolition of titles, freedom of association, compensation on acquisition of private properties, justifiability of the directive principles, manner of election of President, the functions of the Prime Minister and the composition of the Council of Ministers, composition of the House of People, disqualification of membership, language to be used in Parliament, mode of election and qualifications of a Governor, age of retirement for Supreme Court Judges, bicameral provincial legislatures, power of Parliament to legislate upon matters in the State list, Finance Commission and provincial share of Income Tax, and Jute Export Duty, etc., etc. In the final adoption of the clauses, many of the amendments suggested by the Association were incorporated.

There was a move to dislodge national song, the *Vande Mataram*, from its position as the National Anthem for India on the score of its alleged unsuitability to band tuning. In a resolution protesting against the move, the Association laid bare the hollowness of the charge from the music standpoint and asserted that "a song which conjures up visions of a glorious Motherland and which has been the very life-blood

of hundreds upon thousands of freedom fighters must not and should not be subordinated to any other song made to order, merely on utilitarian grounds." Copy of this resolution was sent to all important members of the Central Cabinet including the Prime Minister, and President, Secretary and Bengal Members of the Indian Constituent Assembly.

The Jaipur session of the Congress approved of India's remaining within the Commonwealth on the basis of a formula. The Association was glad that such a formula could be evolved as would permit of an association without allegiance to the British Crown while leaving unsullied the republican character of the Constitution. In April 1949, Pandit Nehru announced at the London Prime Ministers Conference that Republican India would be willing to continue as a member of the Commonwealth of Nations. This extra-constitutional alignment which was suggested by India's spokesmen and the open-hearted good grace with which it was accepted by other Commonwealth countries was considered by Sir Uday Chand Mahtab as stated in his Presidential Address "a bright example in world statesmanship". The Association was happy at this outcome.

Many features of the newly-adopted constitution commended themselves to the Association but at least one proved quite unacceptable. The Constituent Assembly of India contemplated a change in Article 24 of the Draft Constitution, which related to compensation payable on public acquisition of private property. It corresponded to Sec. 299 of the Government of India Act, 1935. Press reports indicated that the majority of the members of the Congress Assembly Party and the Government of India proposed to discriminate between private interests in commercial or industrial undertaking and private rights and privileges in landed estates or revenues therefrom. At an emergent meeting the Association adopted a resolution criticising this move; because if accepted "there will be an end to the rule of law which is the



very breath of democracy," It will "breed in millions of common people a profound disregard for the provisions of the Constitution.....precipitate blatantly discriminatory legislation in the provincial sphere, involve an encroachment on the sphere of the Supreme Court and an outright denial of justice to a class of landholders". The Association described this move as a "total surrender to the urge for expediency" and called upon the Congress and the Government "to provide for the payment of fair and equitable compensation at a justifiable rate to all holders of properties, irrespective of the category of the property concerned." The Association wired to Sardar Vallabhbhai Patel the "strong man" of the Congress, praying for his intervention. It impressed upon Maharajadhiraja Sir Kameswar Singh, K.C.I.E., of Darbhanga, the desirability of contacting different parties in the Constituent Assembly so as to prevent this obvious discrimination. It urged him also to move the All-India Landholders Federation over this matter. Among the members of the Constituent Assembly, Sri P. D. Himatsingka and Sri Lakshmi Narayan Sahu promised to the Association to take up the matter on the floor of the Constituent Assembly but their efforts in this respect ultimately proved infructuous.

## Appendix I

List of members of the British Indian Association who had been sometime or other members of the Bengal Legislative Council or of the Bengal Legislative Assembly between 1863 and 1950.

Raja Pertab Chand Singh

Babu Prosanna Coomar Tagore, C.S.I.

Babu Ram Gopal Ghose

Raja Satya Churn Ghosal

Raja Degamber Mitter, C.S.I.

Maharaja Rama Nath Tagore, C.S.I.

Babu Peary Chand Mitter

Kumar Sattyanund Ghosal

Babu Chunder Mohun Chatterjee

Maharaja Bahadur Sir Joteendra Mohan Tagore, K.C.S.I.

Babu Anukul Chunder Mookerjee

Maharaja Durga Churn Law, C.I.E.

Babu Jagadananda Mookerjee, C.I.E.

Rai Kristodas Pal Bahadur, C.I.E.

Moulvi Mir Mohamed Ali

Raja Pramatha Nath Roy

Babu Mohini Mohan Roy

Babu Harbuns Sahai of Arrah

Moulvi Mohamed Yusuf

Rai Baikuntha Nath De Bahadur

Shahzada Mohamed Feroke Shah

H. H. Maharaja Sir Harendra Kissore Singh Bahadur,  
K.C.I.E., of Bettiah



Mr. R. C. Dutt, C.S.I., C.I.E.

Maharaja Bahadur Kshaunish Chandra Roy of Nadia

Maharaja Sir Manmatha Nath Roy Chowdhury, Kt., of  
Santosh

Nawab Sir K. G. M. Farouqui, Kt., of Ratanpur

Kumar Shibshekhareswar Roy of Tahirpur

Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of  
Cossimbazar

Raja Bahadur Bhupendra Narayan Sinha of Nashipur

Raja Bahadur Maniloll Singh Roy, C.I.E., of Chakdighi

Sir Badridas Goenka, Kt., C.I.E.

Rai Radha Charan Pal Bahadur

Rai Lalit Mohan Singh Roy Bahadur

Babu Surendra Nath Roy

Babu Brojendra Kishore Roy Chowdhury

Babu Amulya Dhone Addy

Raja Reshee Case Law, C.I.E.

Nawab Bahadur Sayed Nawabali Chowdhuri, Khan  
Bahadur, C.I.E.

Maharaja Sris Chandra Nandy of Cossimbazar

Kumar Tulsi Chandra Goswami

Babu Tarak Nath Mukherjee, M.B.E., C.I.E.

Sir Provas Chunder Mitter, Kt., K.C.I.E., C.I.E.

Kumar Debendra Lal Khan of Narajole

Babu Jogendra Nath Mukherjee (Talla)

Kumar Arun Chandra Sinha of Paikpara

Sir Bijoy Prosad Singh Roy, Kt., K.C.I.E.

Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M.,  
Maharajadhiraja Bahadur of Burdwan

Sir Uday Chand Mahtab, K.C.I.E., Maharajadhiraja  
Bahadur of Burdwan

Kumar Saileswar Singh Roy  
Lieut. Col. Satyendra Chandra Ghosh Maulik, C.I.E.  
Sir Satya Charan Mukherjee of Uttarpa  
Babu Ranjit Pal Chowdhury  
Babu Jogendra Nath Maitra (Setlai)  
Kumar Sarat Kumar Roy, C.I.E., of Dighapatia  
Kumar Surendra Nath Law  
Maharaja Jagadish Nath Roy of Dinajpur  
Babu Sarat Chandra Mitter  
Sir Hari Sanker Paul, Kt.  
Mr. Kanai Lall Goswami  
Maharaja Sashi Kanta Acharyya Chowdhury of  
Mymensingh  
Raja Bahadur Harihar Prosad Narayan Singh, O.B.E., of  
Amaon & Tikari  
Rai Bahadur Surendra Narayan Sinha of Nehalia  
Rai Bahadur Brojendra Mohan Maitra (Rajshahi)  
Maharaj Kumar Sitangsu Kanta Acharyya Chowdhury of  
Mymensingh  
Mr. Narendra Singh Singhi  
Kumar Deva Prosad Garga of Mahisadal  
Kumar Pashupati Nath Malia of Searsole



## Appendix II

### Hindu Law of Intestate Succession

Letter No. 3099 dated 15/3/43 from Mr. P. N. Singh Roy, O.B.E., Honorary Secretary, British Indian Association, Calcutta, to the Secretary, Judicial Department, Government of Bengal, Writers' Buildings, Calcutta.

I have the honour to submit that my Association views with grave concern the proposed attempt to codify the whole of the Hindu Law of intestate succession which the Association may be permitted to observe, is of such a revolutionary character that it can be justified only on the ground of proved necessity. And its apprehension is certainly not lessened by the prospect that this is only a beginning—the first step, although the most important step,—in the codification of the whole of Hindu Law, Legislation of such nature, claiming as it does the right to dispose of the properties of millions of Hindus without any consideration for their wishes and ideas, and to affect their family relations and social and religious sentiments, must have a more substantial basis than what would appear from the “Explanatory Notes” appended to the Bill. If it had been the outcome of the strong desire on the part of the community intended to be affected by it, the position would undoubtedly have been different. But that is not so. Whatever else it may claim to be, it is certainly not a sympathetic response to a large volume of public opinion emanating from Hindu Society. Even the Hindu Law Committee does not claim it to be so; and it justified its Bill on the ground that it has met with a favourable reception from certain lawyers and other persons or bodies. Without meaning any disrespect to the latter, my Committee believes that they are persons living in towns, evidently under the spell of foreign education and culture. Such persons can hardly be expected to represent the Hindu masses in respect of their age-old socio-religious institutions which have taken deep root in the indigenous soil. The protagonists of the Bill, as well as its supporters, not being in diving touch with the Hindu

masses, know little of them, and have even less sympathy for them, their habits of life, their sentiments and social ideas, their attitude towards their females, and their hopes and aspirations in this world as well as the next. The Hindu Law Committee observes, quite correctly, that the thoughtful reformer "would not wish to lay violent hands on the ancient structure of the Hindu Law except for proved necessity." My Association is emphatically of the opinion that the necessity for such a drastic measure has yet to be established.

2. The history of the proposed legislation, comprising the events of the last few years, would offer a lucid comment on the absence of such necessity. As it is well known, the task of reforming the Hindu Law of inheritance was undertaken by a few zealous reformers in the central legislature in 1937, who managed to have Act XVIII of 1937 passed into law. It will appear from the Act itself that the principal object of these legislators was to ameliorate the position of the widowed daughter-in-law, for the slight improvement of the widow's position does not imply any radical change. The statute, coming as it did from zealous legislators, was condemned on all hands as an ill-drafted measure, hardly workable in practice. An amendment was, accordingly, needed, the result being the Act of 1938. Some of the glaring defects of the Act were no doubt removed, but the basic principle of the Act was maintained. The task of interpolating the widowed daughter-in-law in the existing order of inheritance was not easy, and anomalies and absurdities began to appear in the working of the amended statute. It was felt on all hands that the supposed justice, nay, bounty, to the daughter-in-law worked serious injustice to the daughter, son's daughter, mother and other female relations, and stray attempts were made to harmonise the new position of the daughter-in-law with the claims of the other females. One of such attempts was that of Mr. Akhil Chandra Dutta, who tried, in a draft Bill, to adjust the claims of the daughter and the daughter-in-law. The attempts did not succeed, but could elicit a promise from the then Home Member that the Bill would be examined by an expert Committee. The Rau Committee was thus appointed in January 1941, to examine the Act of 1937 with particular reference to the specific Bills



then pending in the legislature with a view to expanding women's rights to property. The Committee found the Hindu Women's Right to Property Acts of 1937 and 1938 very defective in drafting, although it approved of the basic principle embodied therein that the widow and son should share equally. In course of examining the various Bills referred to the Committee for the extension of women's rights to property, the Committee stated as its considered opinion that the only satisfactory solution is to avoid piecemeal legislation and "to take up as early as possible the codification of Hindu Law beginning with the law of succession, followed by the law of marriage." This recommendation was accepted by the Central Government. The Hindu Law Committee drafted two Bills, one relating to inheritance, and the other relating to marriage, as the first two instalments of the contemplated Hindu Code. The Bill in question is the first one of the two.

3. It will, therefore, appear that the Bill has not come into existence owing to a general desire in Hindu Society to reform its law. The Committee was expected primarily to examine Act 18 of 1937, and only indirectly to examine the whole of the Hindu Law of inheritance. They found as everybody would, that to smuggle the daughter-in-law in the well-defined scheme of inheritance in either school was an impossibility which could be done only by replacing the existing order by a new and entirely different one, invented for the purpose. Two courses were thus open to the Committee, one was to declare roundly that the Act of 1937, even with the modifications effected by the Act of 1938, was a mistake, and should be done away with. The other course was to push on with the secondary purpose, and take extensive liberties with the existing law, even to the extent of substantially abrogating it. This latter course commended itself to the Committee, which perhaps found it inexpedient to advise the legislature to retrace its steps, as may be, out of considerations of prestige.

4. The Bill is thus coming in an irregular way, through the back-door as it were. This is directly against the well-known canon of legislation, that reformation of social and family law should not be imposed from without, but must be

evolved from within. The futility of such ill-advised, although well-meant, legislation in social and family matters is not unknown to the legislative history of modern times. The Consent Act (10 of 1891) failed to achieve its object, and the Child Marriage Act (19 of 1929), commonly known as the "Sarda Act", produced more child marriage in a few months than was otherwise possible in as many years. As the great jurist and orientalist, Sir William Jones, remarked:—"It is a maxim in the science of legislation and government that laws are of no avail without manners, or, to explain the sentence more fully, the best intended legislative provision would have no beneficial effect even at first, and none at all in a short course of time, unless they are congenial to the disposition and habits, to the religious prejudices, and approved religious usages of the people for whom they were enacted, especially if that people universally and sincerely believed that all these ancient usages and established rules of conduct had the sanction of an actual revelation from heaven." It was in compliance with this salutary principle that the British Parliament left the Hindus and Mahomedans in the fullest enjoyment of their respective personal laws in family and social matters. Since then the legislatures of this country have observed the same rule, leaving the Hindus free to follow their own law, except in some matters of minor importance. It would certainly have been desirable if the present-day legislature had followed the same principle.

5. As observed by Sir William Jones, the objection to legislative interference with the existing law is all the more serious in the case of Hindu Law, owing to the peculiar nature and force. The framers of the Bill have evidently overlooked the all-important fact that the average Hindu, even of the present day, believes his law to be of divine origin, not liable to be touched even by the Sovereign. Even the latter is conceived to be subject to that law as much as the meanest of his subjects. "The law of Hindus", says Dr. Ganganath Jha, "like everything else, conducive to the welfare of man, has source in the revealed word of the Vedas. The Hindu will not admit any other source for his Dharma." This is not the same thing as saying that the Hindu law is unchangeable, or has never changed. The Smriti-writers have changed the Vedic law, and



the commentators the Smriti-law. This has, however, been done under the cloak of interpretations, and always with a view to bringing the customs existing from time to time within the pale of the written law. In Hindu society, as in other societies, law has followed the customs and not the reverse. Even under the British courts the law has been developed in an ameliorative, although a conservative way, and has so long well met the changing needs of the community. The function of a legislature is not to impose its convictions on an unwilling society ; its proper function is to legalise current practices which have grown up independently of the law, so that there may not be much disparity between the law and the manners of the people.

6. The present Bill, however, with its radical ideas foreign to the Hindu sentiments, is calculated to cause serious consternation in Hindu society. The Hindu law of intestacy, however objectionable it may be from the reformer's point of view, has no horror for the average Hindu ; the law does what the average Hindu would like to do in his death bed in the matter of disposal of his property. He would desire his properties to be inherited by his male descendants, subject to the duty of maintaining his widow, indigent daughter, widowed daughter-in-law and other dependants marrying his maiden daughters, performing the worship of the family deities and the obsequies of his ancestors. If he desires to do otherwise, the law permits him to do so by will. But this is an exception, and that is why wills are so rare in Hindu society. Such disposition of property may no doubt be objected to by ardent reformers, imbued with socialistic ideas. They would say, as the Committee has said or meant, that the distinction between males and females and that between agnates and cognates, should be abolished ; that the daughter-in-law should, in justice, be given as much as a son, and that in the matter of distribution of a man's property, he should be compelled to do justice and his personal inclinations should be least respected. If, however, he desires to make his wishes effective, he should do so by will. A more absurd position it is difficult to conceive. This law of inheritance should, according to all jurists, ancient and modern, be as much in consonance with the desire of the community in question as

possible, leaving it open to the few who would like to do otherwise by will. The Committee has proceeded in the reverse order. They have sought to produce an ideal humanitarian Code, leaving it to those very considerable number of people, almost the whole of the Hindu Society, to affect it in their individual cases, if they are so advised, by will. The position in short, would be as bad as in a certain stage in the development of Roman Society when the law of inheritance was found to be opposed to the dictates of natural love and affection. To die intestate would be regarded as nothing short of a calamity; and probate courts would be flooded with wills, lending to an abnormal increase in litigation, which the Committee is justly anxious to avoid. In a word, the Committee has proposed a sacrifice of private property at the altar of so-called humanitarian principles. One may be excused for saying that the Committee might have attained its object at much less trouble, and much more effectively, if, instead of drafting a new Bill it had provided, by a short statute, that Chapter II of the Indian Succession Act, which is about the last word in humanitarian legislation, shall apply to every Hindu, any law or custom to the contrary notwithstanding. Incidentally, it may also be observed that the said law of inheritance is hardly a favourite with such modern sects as the Indian Christian and domiciled communities, as is evident from the fact that such persons rarely die intestate when they have properties of any value. My Association is firmly convinced that the necessity for such sweeping legislation is entirely wanting.

7. The professed intentions of the Bill are, if analysed, even more objectionable. Of them, the foremost one is the unification of the Hindu law. This is no doubt a highly laudable object; but such unification should follow, and not precede, the unification of the entire Hindu Society. Any attempt to reform the Society—to attain social and political ends—through legislation, can only proceed from a misconception of the proper scope and limitations of legislative measures. The Committee itself indirectly admits that such unification is impossible, by leaving the Marumakkattayam, Alyasantanu and Nambudri laws of inheritance in tact. And even with respect to the others, the Committee has succeeded in bringing out greater diversity than



what it intended to remove. So long, the principal diversity was between the Dayabhaga and the Mitakshara laws. The Committee in its zeal towards the unification of the two has succeeded, unconsciously no doubt, in causing such diversity even in the same locality, and even in individual cases. The Committee recognizes, quite correctly, that under the existing Constitution, the Bill cannot apply to agricultural land, which is, even at the present day, the most important item of property in India. The scope of the Act will, therefore, be very much restricted, and unless the provincial legislatures move in a line with the federal one, as the Committee hopes would be done, the diversity will remain. One may go further and say that the disparity will increase, if the provinces move in different lines with regard to agricultural land owing to the differences in local conditions, as the Government of India Act has fully expected them to do, by making it a provincial subject. Even if the provinces are obliging enough, it would be too much to expect the Indian States, which are proverbially conservative, and the rest of non-British India, to accept this innovation. So the same old personal law will continue to govern them in places outside British India in spite of the proposed Code. The position can hardly be considered with equanimity. The father will be governed by one law, and the son by another; properties within British India will be regulated by one law and outside British India by another in spite of identical ownership; lands in different provinces, although owned by the same person, will follow different courses of inheritance and even in the same province, agricultural land will proceed in one channel, and non-agricultural land in a different one. This is uniformity with a vengeance. What Mr. J. D. Mayne wrote more than half a century ago is as true today as in those days:—"The age of miracles has passed, and I hardly expect to see a Code of Hindu Law which shall satisfy the trader and the agriculturist the Punjabi and the Bengali, the Pundits of Benares and Rumsiwar of Umritsur and of Poona. But I can easily imagine a very beautiful and specious Code, which should produce much more dissatisfaction and expense than the law as at present administered". This "beautiful and specious code," so dreaded by Mr Mayne, has at last come.

8. The next avowed object of the Bill is the removal of the sex disqualifications of females. This has been sought to be effected in three ways, viz., (a) by giving heritable rights to many females who were previously excluded by the law, e.g., son's daughter, daughter's daughter, sister, and so forth, and preferring some of them to many agnates, (b) by giving the daughter one-half of the share of a son even when she co-exists with a son, and (c) by giving females an absolute estate. Of these, the provisions for the daughter are the most important. The natural disinclination of the Hindu to allow a share of his property to pass to a different family, when there are sons and grandsons to continue the lineage, may perhaps be deplored, but cannot be ignored. It may be said that this feeling is also found to exist among Mahomedans, and at the same time this half-share of the daughter exists in Mahomedan jurisprudence from which this provision is evidently borrowed. The Committee, however, failed to notice some peculiarities in Mahomedan law and society, which prevent the daughter's heritable right from doing much mischief. The Mahomedan Law and Society permit a marriage within the family, so that strangers can be prevented from becoming co-owners with the male heirs. Besides, the Mahomedan law of *Waqf-al-aloulad*, confirmed by legislation within recent memory, effectively ties up property in the family. These safeguards are wanting in Hindu Law. Marriage within the family is not only banned by Hindu law but is revolting to Hindu ideas; and illusory debutter for the benefit of one's descendants, as also the creation of an agnatic line of shebaitis, is not permitted by the law. (As to the last, see *Monohar Mukherjee's case*, I.L.R. 60 Cal. 452 F.B.).

9. Besides, even from the standpoint of natural justice, the daughter, under the proposed law, would be unduly benefited at the expense of the son. As widow, she would get her proper share in her husband's estate; and she is to be given the right to inherit her mother's stridhan, to the exclusion of her brother. So her proposed share in her father's estate is a windfall to her, and is calculated to prejudice the sons, not only by reducing their portion but also by introducing stranger-cosharers. According to the prevalent idea in Hindu Society, a female by marriage ceases to belong to the family of her birth and becomes



a member of her husband's family, where she usually resides and her visits to her father's family are only occasional, as a guest. She becomes more or less identified with her husband's family. If such is the case with the daughter, it will be all the more so in the case of more distant females, such as the son's daughter, daughter's daughter, sisters, etc. If it is proposed to give these females and other females a heritable right in case of failure of near heirs, the position would undoubtedly be different. Such a thing could very well have been done without a radical change in the law as was done in the Mitakshara School by Act II of 1929. But to place many of them even before the parents is certainly an innovation of a serious nature.

10. The abolition of the distinction between agnates and cognates is no doubt desirable, if it were possible. But the distinction is not merely in the law, but in the social structure, which is reflected in the law. Cognates are regarded as more distant than distant agnates and even as strangers to some extent. So the introduction of such semi-strangers into the family coparcenary would, as my Association apprehends, give rise to troubles and fictions, partitions and sale and introduction of hostile elements into the ownership and to the ultimate improvement of property. It is the common experience of all who have to deal with such matters that a large number of offices are committed to get rid of these strangers. My Association is strongly of the opinion that such a sweeping change is hardly called for, and it would not at all be beneficial. Jimutavahana to some extent succeeded in introducing some of the near cognates before more distant agnates, but this he did by an appeal to the religious sentiments of the people. and this innovation was accepted, because the conditions in Bengal favoured such a course. But in the rest of India his voice fell on deaf ears; and it is a fact which the most superficial observer cannot fail to notice, that in the Mitakshara provinces the doctrine of agnacy even now is in as full vigour as ever, and shows no sign of decay.

11. The proposal to give an absolute estate to females is really a part of the attempt to equalize males and females. The

professed reason is, that women are as competent as men in their business capacities. In the views of the Committee, whatever may have been the case in the past, "a general disability of this kind can hardly be defended at the present day, when we have women legislators, women lawyers and women ministers". This observation alone is sufficient to show that the Committee's experience is limited to urban localities, and betrays a complete ignorance about the average mental calibre, experience and inclinations of females in Hindu society. In spite of the impact of Western culture, the Hindu women in the rural areas, are still as much dependent on males as in olden times, and the reasons which induced the Hindu legislators to give them a subordinate position in proprietary rights still hold good. As Dr. Priyanath Sen, in his Hindu Jurisprudence, observed:—"It is a great mistake to suppose that the declaration of the perpetual dependence of woman imports any degradation ; it is only meant as a measure for their protection, for they are by nature weak and unable to bear the turmoils of the world and stand against its terrors and temptations without guidance and control". It would, therefore, be a mistake to suppose that the proposed absolute rights of the female are a just recognition of her improved business capacity. The restrictions on her power of alienation and transmission are calculated to secure the family in its ultimate reversion. It may be that in some cases she cannot get full value for the property or that alienation by her may lead to litigation. But my Association is not prepared to subscribe to the observation of Dr. Mitter, approvingly cited by the Committee, that "the cases relating to the extent and nature of women's estate which come before our courts are more numerous than the other cases on Hindu Law put together." My Association would remark that this is a hyperbole, put in a telling way by a young lawyer in an academic thesis, which perhaps the learned author with his present nature experience, would be ready to disclaim. Even if the evil is as great as represented, it may be easily avoided by a provision allowing her to secure antecedently the permission of the court, on notice to the reversioners, as in probate and guardianship cases. The objections to such a course are not very substan-



tial, and in any case are much less cogent than the power of waste so liberally given to incompetent owners.

12. In view of the above objections to the general principles of the Bill, it would be an unprofitable exercise to comment on its specific provisions, but a few observations may be made on some of them. My Association appreciates that the basic principle of Mitakshara devolution of property, viz., survivorship, has been left untouched by the Bill. But the Committee would have been better advised if they had removed the anomaly created by the Desmukh Act. The framers of that Act, somewhat lightly perhaps, gave the widow the same interest as her husband in joint family property, without properly appreciating its implications. The question therefore arose whether thereby she became a coparcener with the other members of the family in the joint property. The Federal Court, in a matter of Special Reference, points out the anomalies and uncertainty of the position. It would have been prudent on the part of the Committee to repeal that statute wholesale, and leave the joint family without a female coparcener.

13. The order of inheritance to the property of males is a hybrid; parts of Mitakshara and Dayabhaga have been sought to be amalgamated, producing a mechanical mixture, without any settled principle. So the Dayabhaga pinda theory, based on Hindu notion of the Sradh, sincerely believed in by millions of men, and the Mitakshara doctrine of agnacy, which is deeply imbedded in the social structure are all made a clean sweep of, and considerations of justice and humanity, which vary in different ages and different countries, are given undue importance. Of course for every change the Committee could cite some authority, ancient or modern in its support. The Hindu law of thousands of years, and developed in different parts of India, could be cited as an authority for every proposition of every type. Texts and commentaries can be found in justification of an absurd penal law, or the total exclusion of females, or the sale of children. The skilful advocate can use these with some effect, as the Committee seems to have done. Whether their work has been satisfactory or not is to be judged on another consideration; and that is—whether their recommendations will be accepted by the public.

14. The Committee's treatment of stridhan is hardly less objectionable. Any property, even an inherited one, is styled stridhan. This the Committee justifies by a reference to the Mitakshara. But the Mitakshara definition of stridhan has been modified by the courts about a century ago, and the modification has been accepted and well understood by the people during this long period so as to become a part of the general Hindu law. To go back to the Mitakshara at this distance of time is an ingenuity indeed and can hardly be justified except on grounds of clear necessity. The Committee has done this, and something much worse. They have abolished the Dayabhaga law of inheritance to stridhan, and substituted the Mitakshara order instead. There was no justification for bringing the Dayabhaga Hindu within the subjection of the Mitakshara law, which they left years ago, except on a desire for uniformity. But has uniformity been really attained? Even the Committee has been constrained to provide, at the cost of uniformity of course, for two orders of inheritance for stridhan—one for the husband's estate inherited by her, and the other kinds of property. It is noticeable that the former provision is not applicable to property inherited by her from other males, e.g., son, father, etc. Further, this special provision regarding husband's property is more illusory than real, when it will operate only on whatever is left after she has disposed of during her life time or by will, as she would be fully competent to do. The latter provision, allowing as it does even the daughter's son and daughter to come before the son, would certainly be resented by the people in this part of India.

15. The abolition of the rules for exclusion from inheritance is also a matter for consideration. It may seem that the Hindu law is hard on those to whom nature has been unkind. But it will also appear that the Hindu Law has made ample provision for their due maintenance and that is all that they are in justice entitled to. Such deprivation of their proprietary rights, which, by reason of their disability, they are unfitted to exercise, coupled with their security of maintenance, would not seem so very unreasonable. And in fact the grosser cases of such exclusion have been mitigated by Act XII of 1928, and the Committee might very well have left the law at that stage. And this leads



to a consideration of a very delicate subject, viz., the disability of a female on the ground of her want of chastity. My Association is fully in agreement with the Committee that all unfounded imputations on the honour of a woman should be discouraged as much as possible. Those who are in touch with the courts in this country know very well that such imputations are rarely made by lawyers and much less accepted by the judges, except when conclusively proved. The Committee might as well have left this matter to the good sense of lawyers and judges. The steps taken by the Committee in this matter are, however, somewhat novel. Section 18 of the Bill has provided for only two modes of proof—one, if the husband had by will deprived her inheritance on the ground of unchastity and the other, if there is a judicial decree, passed in a litigation between husband and wife, affirming her misconduct. If the husband has by will excluded her from inheritance, this provision is unnecessary for he will take good care to exclude her from the entire inheritance. If the husband is able and willing to assert his wife's misconduct and establish it in a court of law, he would also take good care to see that his properties do not go to an unfaithful wife. So the proviso to Section 18 is superfluous, and is framed perhaps out of deference to the sentiments of a large section of the people who have a strong feeling in the matter. But this is more apparent than real, and fails to meet the rather common type of such cases where the wife turns unchaste during the husband's life time, and lives in misconduct with another man. The husband would naturally be unwilling to give publicity to his family scandal, and would, like other Hindus in most cases, die intestate. The Act would support her inheritance in the property of her outraged husband even though she might even have borne illegitimate children. In any event, this section should be recast, and if that is not possible should be deleted, as being a superfluity.

16. The only good thing about the Bill is that it does away with the heritable rights of the daughter-in-law, given to her by the Deshmukh Act. That Act has set the Bill of codification rolling, leading on to the present Bill. The Committee has shown that the Act was unnecessary and even harmful, and should never have come into existence. But this has acted

as a bomb-shell in the quiet sphere of Hindu law, causing disturbances therein which the Committee has proposed to remove by altering it wholesale. The Committee might well have proposed a clear repeal of the Act of 1937, with its appendage, viz., the Act of 1938 and stopped there.

17. If a codification of Hindu law is considered necessary, the best way to do it would be by a consolidating Act, merely digesting the existing Hindu Law as accepted and settled through various stages of evolution. This has been attempted by Sir H. S. Gour in his well-known treatise on Hindu Law. To the future legislature must be left the task of altering and amending it as occasion would arise. A Hindu Code, such as the present one which strikes at the fundamentals of Hindu law, and rides roughshod over ideas and principles held dear by millions of Hindus, at the bidding of a few occidentally minded men and women, does not commend itself to my Association which records its emphatic protest thereto.



## Appendix III

*Extract from the Association's Memorandum on Ship-building and Shipping Industry in India, August 31, 1923.*

The all but complete extinction of the ship-building industry and shipping enterprise in India is one of the saddest chapters in the annals of British rule in this country. Modern researches have conclusively established the fact that the Indians had greatly distinguished themselves by their ship-building and maritime enterprise since several centuries before the commencement of the Christian era down to comparatively recent times. They had established colonies in Pegu, Cambodia, Java, Sumatra, Borneo and even in the countries of the Further East as far as Japan. They had trading settlements in southern China, in the Malayan Peninsula, in Arabia, in the chief cities of Persia and all over the East Coast of Africa. Indeed in ancient times India had become the mistress of the Eastern Seas. In the words of the German orientalist Buhler: "There are passages in ancient Indian works which prove the early existence of a navigation of the Indian Ocean and the somewhat later occurrence of trading voyage undertaken by Hindu merchants to the shores of the Persian Gulf and its rivers." The finds of Egyptian and Assyrian archaeologists furnish ample evidence of the early maritime intercourse of India with the West. The Ajanta paintings, executed between the second century B.C. and the eighth century A.D. contain representations of Indian sea-going vessels. The fleet of Vijaya, who made a voyage to Ceylon in 550 B.C. and landed there, carried no less than fifteen hundred passengers. Speaking of the representation of ships in the magnificent sculptures of the Temple of Borobudur in Java, which was colonised by Indians in the first century A.D. and where Indian Art reached its highest expression, Mr. Havell writes: "The ship magnificent in design and movement, is a masterpiece in itself." Sir A. Phayre in his "History of Burma" has proved by reference to Burmese scriptures and coins that part of Burma and Malacca were colonised chiefly from Kolonga and Bengal. The "Travels" of the Chinese

pilgrims to India, Fa Hien and Hiuen Tsang bear eloquent testimony to the remarkable maritime activity of Indians from the fourth to the seventh century A.D. Mr. Rhys Davids has recorded his conclusion that Dravidian sea-going merchants, availing themselves of the monsoons, were in the habit of trading from ports in the southern coast of India to Babylon between the seventh and eighth centuries B.C. Bengal Missionaries went to China, Korea and Japan in the early centuries of the Christian era to preach Buddhism and some of the scriptures preserved in the Horiuzi temple of Japan are written in Bengali characters of the eleventh century A.D. As Mr. Chakura writes in the "Ideals of the East":—"Down to the days of the Mahomedan conquest, went by the ancient highways of the sea the intrepid mariners of the Bengal Coast, founding their colonies in Ceylon, Java, Sumatra and binding China and India fast we find the foreign traveller Verthema leaving an interesting in mutual intercourse."

Coming to comparatively recent times we find the foreign traveller Verthema leaving an interesting account of ship-building at Calicut in the early part of the fifteenth century. Writing about the same time Nicolo Conti says:—"The natives of India build some ships larger than ours, capable of containing two thousand butts and with five sails and as many masts." During the period of Moghul supremacy from the sixteenth to the eighteenth century we find in Ayeeni-Akbari a detailed account of Akbar's Admiralty and in Grant's "Analysis" may be found an interesting account of the Imperial Nowarrs or shipping stationed at Dacca. The Ayeen also contains an account of the shipping and ports in Sind. The English traveller Thomas Howrey gives many details about the shipping and commerce round the Bay of Bengal and from Mahratta shipping and maritime activity under Sivaji and the Peshwas. Towards the end of the eighteenth century, Calcutta became a centre of ship-building activity in consequence of the famine in the Carnatic which necessitated the transport of grain from Bengal to the English Settlements on the Coromandel coast. From 1781 to 1800 thirty five ships of a total tonnage of over seventeen thousand tons were built on the Hughli, chiefly at Calcutta. From 1801 to 1821 there were built on the Hughli



two hundred and thirty-seven ships of a total tonnage of more than one lakh. From the "Register of ships built on the Hughli from 1781 to 1839" it appears that the total number was three hundred and twenty-six. In this connection, the testimony of a Frenchman Beltazar Solvyns, will bear reproduction here. Writing in 1811 he says:—"In ancient times the Indian excelled in the art of constructing vessels and the present Hindus can in this respect still offer models to Europe—so much so, that the English, attentive to everything which relates to naval architecture have borrowed from the Hindus many improvements which they have adopted with success to their own shipping. The Indian vessels unite elegance with utility and are models of patience and fine workmanship."

The extinction of the ancient ship-building industry of India has been brought about by the piratical activities in the Indian seas of European ship captains in the seventeenth and eighteenth centuries, by the displacement of sailing ships by steamers and lastly by the unfair and strangling competition of English ship-owners.

It will be seen that the shipping industries of India had an exceptionally brilliant and glorious past and now that the pointed attention of Government has been drawn to their present moribund condition my Committee welcome the present enquiry in the hope that something will be done to resuscitate it.

## Appendix IV

(Sir Uday Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, Maharaja Sris Chandra Nandy of Cossimbazar, Sir Badridas Goenka, C.I.E., Dr. Narendra Nath Law and Shri P. N. Singh Roy, Honorary Secretary of the British Indian Association)

### MEMORANDUM

*to the Governor of West Bengal dated Sept. 20, 1946.*

We are not to deal with events leading to and connected with the Calcutta disturbances of the last month. They refer to the past which comes within the purview of the Calcutta Disturbances Commission of Enquiry. We are concerned with the present and the future measures for the maintenance of law and order. On behalf of the citizens of Calcutta we place our suggestions for the due maintenance of law and order and the preservation of communal harmony in the country.

(1) The following steps are of paramount importance :

(a) *Policing Greater Calcutta*: Police arrangements are unsatisfactory. Police help should be at the door of law-abiding citizens; it should be forthcoming instantly whenever it is asked for; it should be effective to stamp out hooliganism, riot, loot and arson. If the present unsatisfactory arrangements are due to inadequate strength, that must be investigated and corrected; if they are due to inefficiency and defects in the system, there should be a thorough shake-up and reform.

There are black areas in the city wherefrom trouble generally originates. In those areas police outposts should be stationed so that police help may be available within the quickest time in case of troubles. Under no circumstances there should be a plea for the refusal of police help to innocent citi-



zens. Many such helpful reforms can be brought about by executive directions.

It is necessary that Government should ensure protection to peaceful citizens whose safety is threatened by residence in particular localities. If it is not possible to give armed police protection to such persons or institutions, licences for fire-arms should be granted to them in order to generate confidence in their own defence.

(b) *Military vigilance*: We feel that peace has been restored, although not in full, and public confidence strengthened through active collaboration of the Military. It is true that the Military cannot be retained in normal times for the maintenance of law and order. But the present situation is abnormal. Tension is high, and public confidence is shaken. The Military must be withdrawn for some time to come, that is, till the end of October 1946. If necessary, military vigilance is to be extended for a further period. During the month of October there are many important religious festivals for Hindus the Durga Pujahs on the 2nd to 5th of October, the Lakshmi Pujah on the 10th of October, the Kartick Pujah on the 17th of October and the Kali Pujah on 24th of October. In the present state of communal tension the Military should not be withdrawn rather it should be strengthened during the month of October when the said religious festivals of Hindus will take place.

(c) *Posting of Moslem Officers*: We understand that officers in charge of Police stations in the city are evenly distributed amongst Hindus and Moslem. The city claims three-fourths of citizens as Hindus, and it is only natural that in the interests of communal stability there should be predominance of Hindu Officers in the city's police stations. The present arrangement is, therefore, disturbing to Hindu citizens. Moreover both the Deputy Commissioners of the Northern and the Southern Divisions of the city are Moslems. It gives rise to misgivings in Hindu minds, specially in the present situation.

In the posting of executive and police officers in the moffusil areas in Bengal, the utmost care should be taken that communal tension in any particular place is not accentuated in any way.

The Police officers against whom definite allegations of communal bias have been made by the public should be taken away from the day-to-day police administration in connection with thanas. This should apply both to Calcutta and moffusil areas.

It is a matter of grave importance that public confidence in the impartial and non-communal character of the Administration should be strengthened. Differential treatment by the Administration helps communal frenzy most.

(d) *Regarding the round-up of goondas and persons of bad and dangerous characters:* The round-up of goondas should be more strictly enforced. Externed goondas who have migrated back to the city after the expiry of restrictions should be immediately arrested, and other goondas residents of or imported into the city and persons of dangerous characters should be removed, as was done during the last war. It appears that action taken in this matter is not yet satisfactory. There should be a strict round-up so that all goondas coming from without or residing in the city should be sterilised. Any delay will jeopardise the movement for peace. In this context, it is to be noted that peaceful citizens should not be harassed in the general round-up.

(e) *Defence Party:* During the Calcutta disturbances in August when police help was not forthcoming, residents of the different localities formed themselves into Defence Parties and tried to protect their hearth and home. We understand that some members of such Defence Parties are now being subjected to harassment by the police for the initiative taken. We, on the other hand, feel that they should be recognised by Government so that they can function more fruitfully, particularly when it is clear that peace can hardly be maintained without the collaboration of residents or their representatives in every ward. The existing Defence Parties should be reconstituted where necessary, and encouraged and not harassed.

(f) *Peace Committees:* We find that Peace Committees are being set up in different localities, but the very object is being frustrated by the fact that the formation is being furthered on the basis of political parties. We, therefore, feel that Peace Committees, to be fruitful and effective, must contain local



men of position and influence, irrespective of political party affiliations.

(g) *Indiscriminate arrest of Hindus*: We understand from reports appearing in the Press that on the lodging of complaints, substantiated or not, or on the happening of "any incident", the indiscriminate arrests of Hindus take place, whereas similar steps are not resorted to in the case of the other participating community. This exasperates a particular community, and it is not helpful for the restoration of peaceful condition. Arrests on insufficient grounds specially when a particular community is affected, accentuate communal tension. We also understand from the Press reports that bails are opposed by the Police even though sufficient evidence is not forthcoming to warrant such refusal. Police should not offer such opposition as a general rule. The Police should be given proper instructions in the matter.

(h) *Confiscation of fire-arms*: We understand that Government are furthering the policy of confiscating fire-arms, and that persons possessing or using fire-arms for self-defence are being harassed, and in some cases arrested. Fire-arms are granted to persons holding status, position and stake in society, and unless sufficient evidence exists as to the abuse of fire-arms, such persons should not be unnecessarily victimised. All this is very disturbing. Dispossession of fire-arms will encourage miscreants in the future and handicap law-abiding citizens even to defend themselves. The twin policy of the indiscriminate arrests of Hindus and the confiscation of fire-arms from Hindus who had such licences is spreading consternation amongst the Hindu citizens.

(i) *Evidence before the Commission of Enquiry*: The Secretary of the Calcutta Disturbances Commission of Enquiry has asked for the placing of evidence and documents before the 26th of October. We feel that in such cases there is chance of evidence and documents being interfered with. We are strongly of the opinion that documents should remain with the persons tendering evidence and that they should be produced before the Commission in proper time. Moreover,

the safe custody of evidence and documents lying with public institutions should be assured.

(j) *Radio and the Press Conferences*: The move of the Government for communal harmony through radio and the Press should be continued, and there should be more frequent joint conferences of leaders, the Press and Government officials to initiate measures for promoting mutual trust and confidence. It is necessary that the Press should be induced to desist from publishing news, utterances and writings, likely to inflame communal passions.

(k) *Trial of cases*: For speedy trial of offences committed during the recent communal disturbances, the Bengal Criminal Law Amendment Bill is published. It takes away the ordinary procedure of law in the interests of expeditious procedure. We have specific objection to the arrangement in so far as it introduces the recording of evidence in a summary form and the elimination of jury trial, a valuable legal right. If the evidence is recorded in a summary way, the aggrieved person does not get full advantage in the appeal court. In the case of imprisonment for less than seven years, the Court of Session will have ordinarily no jurisdiction, and even where the accused is to be tried at the Court of Session, in the opinion of the Magistrate he is to make over such case on perusal of the police report only. All this frustrate the very ends of justice.



## Appendix V

### The Damodar Flood Problem.

The British Indian Association submitted on 1st of March, 1944, the following memorandum on the Damodar Flood Problem before the Damodar Floods Enquiry Committee appointed by the Government of Bengal

The British Indian Association begs to make the following representation on the Damodar flood problem. The Association represents mainly the interests of landlords; it does not profess any knowledge of the technical side of the question, it deals in the main with the broad principles of the problem in the light of experience acquired by some of the members of this Association as residence and landlords of the flood-affected areas and it seeks to represent a true picture of the problem. No endeavour has therefore been made to work out the technical details of any scheme. As to the authenticity of the statements made and figures mentioned in the representation, the Association refers to the following publications:—

- (i) Mr. D. B. Born's report on Damodar flood problems.
- (ii) Selections from the records of the Bengal Government relating to Damodar floods and embankments, Vol. III.
- (iii) Selection from the records of the Bengal Government relating to Damodar flood control project.
- (iv) Lecture on the Damodar river delivered at the Bengal Association of the Institute of Engineers (India) by C. Addams-Williams, Esq., C.I.E., Chief Engineer, Bengal, on the 6th of July, 1928.

The Association submits its views as follows:—

#### *Nature of the River*

1. The plain of Western Bengal comprising the Burdwan Division is washed by the rich silt-laden water of a group of

territorial rivers which rising in the Chota Nagpur hills flow more or less in a south-easterly direction and after passing through one or more districts of the Burdwan Division enter the Hooghly either above or below Calcutta, the only exception being the Subarnarekha which flows directly to the Bay. The Damodar is the largest of those rivers and may be taken as a typical representative of this group rising in the Chota Nagpur hills near Chandawar at an elevation of about 2,000 ft. The Damodar flows generally in a south-eastern direction entering the province of Bengal at Barakar in the Asansol Sub-Division of the Burdwan district where it is joined by its main tributary the Barakar. In Burdwan it passes by the towns of Asansol, Raniganj and Burdwan and 12 miles to the east of the latter town it takes an abrupt turn to the south at Haibatpur, then passing through the Arambagh and Uluberia sub-divisions of the Hooghly and Howrah districts it finally falls into the Hooghly near Falta. The total length of the river from its source to the mouth is about 337 miles. It drains a catchment area of about 8,200 sq. miles of which about 4,200 sq. miles and 350 miles are of upper and lower Damodar, respectively, and 2,650 sq. miles are of the Barakar, the rest being in the deltaic region lower down.

2. Upto the town of Raniganj the Damodar is a typical hill stream. From its source to this place for a length of 200 miles the stiff bed slope depending on the nature of the soil of the bed varies from 8 ft. to a mile near the source to 35 ft. per mile above Raniganj. The discharge of the river also varies through a wide range. In the dry months of April and May it is as low as 50 cusecs whereas during sudden and violent floods in the rains it rises at times to 650,000 cusecs. During these high floods it carries down loads of rolling sand and silt as the greater portion of the catchment area consists of sandy soil and sandy friable rocks.

#### *Short History of the River*

3. It is believed that the river once discharged its waters directly into the Bay which is supported by the fact that the same kind of yellow clay and sand as are found in these rivers was found under-lying the gangetic strata of blue clay when the



foundations of the King George's Dock were placed. However, coming to a comparatively recent date the river used to flow into the Hooghly above Calcutta—near Kalna. Later on a branch was formed from Salimabad near Jamalpore and following in a south-easterly direction it entered the Hooghly near Uluberia. The old branch is now dead and is known as "Kana Damodar". There was also a second branch which started from Salimabad and following a curved course flowed into the Hooghly at Nasserri, a few miles above Chandannagar. This branch which is known as "Kana Nadi" remained active till 1866 when it was closed by a dam at Salimabad. The Damodar during the first half of the 18th Century flowed to the Hooghly north of Calcutta. About the year 1762, the river burst its embankment and took an entirely new course entering the Hooghly at Falta. Thus various changes in the course of the river were focussed round Salimabad which is close to the apex of the interior delta. The last great change in its course took place in 1865 when it breached its embankment at Begua near Midnapore. This breach is in the process of formation and upto Harinkhola in Arambag the channel is a well-defined river. Below Harinkhola Begua khal breaks into narrow spill channels for a further distance of 8 or 10 miles. Flood water spills over these channels finally meeting the Baxi embankment and Baxi Khal through which it drains into the Rupnarain.

4. It is said that the river was originally embanked on both sides by the then Maharaja of Burdwan to save his zemindary from the evil effects of the flood. But that embankment not being properly maintained breaches occurred every year with disastrous effects. In 1788, Government took over the maintenance of these embankments from the Maharaja of Burdwan who agreed to pay a consolidated sum of Rs. 60,000/- for the same. As the embankments were effectively maintained by the Government, very few breaches occurred during the next 25 years, but with silting up of the river bed and rising flood levels it was found impossible to keep the river within its banks, and between 1847 and 1854 inclusive as many as 172 breaches occurred in both the banks. After much discussion and controversy regarding the expediency of the measure, according to the expert advice of Capt. Dickens between the

year 1856 and 1859, 21½ miles of right embankment from Sanhatgola near Burdwan to Haibatpore was levelled down. This lowered the flood level at Burdwan by 4 ft. when the flood discharge reached 350,000 cusecs. Removal of this embankment relieved the situation for the time being as was pointed out by Lt. Garnault in 1863. He said that unless some other means of flood control was found out, the trouble would recur with the rise of the spill area by silt deposit and the river would force its way to the Hooghly through the left bank near Burdwan. In 1891, it was found necessary to remove further 10 miles of right embankment down to the Begua breach in order to reduce the flood level at Burdwan. It was conclusively proved during the high floods of 1913, 1935 and that of the last year that Lt. Garnault's prediction was correct. The river burst through its left embankment and had a tendency to divert its course to the Hooghly.

#### *Causes of Flood*

5. Floods are caused by heavy rainfall within a short period in the hilly catchments of the river. The average annual rainfall of this area in the hills is about 50 inches of which nearly 43 inches fall during the wet months June to October. In these months, south-westerly monsoon, after developing into stormy depression at the head of the Bay of Bengal, travels inland along the Damodar Valley, and produces heavy rainfall and consequent flood. The intensity of the fall depends on the velocity with which the centre of the depression travels over the catchment. A shallow depression may hang over a particular area for a few days and produce more rain. Rain water flows down the countryside and the hills and eventually finds its way into the river where it develops into flood, the intensity of which gradually increases as it passes down its course and drains more of its catchment. If the fall occurs during the earlier part of the monsoon months, the percentage of run off is less as some water finds its way into the soil which remains rather dry at this period of the year.

#### *Silt carried by the River*

6. As the catchment area consists of sand and friable rocks and has been partially deforested by human agency, sudden



and violent flood carries down with it rolling sand and suspended silt owing to land erosion. The slope of the river bed being fairly high up to Silna, the river carries its burden up to that point but beyond Silna, the silt and sand begin to be deposited either in the river bed or in the spill area over the right bank. The bed slope below Silna is not sufficient to enable the river to discharge its silt to the sea. It is the presence of this heavy amount of silt in the flood water that has made the solution of the Damodar flood problem all the more difficult. Whatever means is devised to minimise the effects of the flood, the disposal of silt is a problem of which no satisfactory solution can be made. The silt that is carried by the flood is of the following nature :—

(i) The heavy coarse sand, (ii) heavy clay, (iii) finer clay. Heavy coarse sand moves with the water so long the current is sufficient to keep the heavy particles in suspension and is generally deposited either in the river bed or on the spill area within one and half miles from the bank. Heavy clay is also deposited in the like manner. This has resulted in the rising of the river bed and its immediate bank up to  $1\frac{1}{2}$  miles. The level of the bank gradually falls till a very low tract almost parallel to the river bed is reached. Water that spills over this low tract almost parallel to the river bed is reached. Water that spills over this low tract is laden with only the finer clay, coarse silt having been deposited already. The slope of this low tract and the consequent velocity of the water there are such that the finer silt cannot settle down. It remains in suspension till the water reaches the tidal portion of the river. An idea of the enormous quantity of silt which this river brings down annually may be formed if one considers the fact, that if all the silt is deposited within one sq. mile area, it will be raised by 18 ft. The total quantity of silt has been calculated at 500 million cubic ft. per annum. A comparison of the level taken in 1913, with that of 1852, showed that the right bank has been raised by silt deposits by  $6\frac{1}{2}$  ft. 7 miles west of Burdwan,  $9\frac{1}{2}$  ft. 10 miles east of Burdwan, 8 ft. just below the great bed at Haibatpur and 11 to  $12\frac{1}{2}$  ft. on the banks of Begua khal. Further inland, the depth of deposit average about 6 ft. Therefore the river has restored more than the old embank-

ment on the right side. These figures are of 1913 ; the land has risen considerably since then.

### *Flood Conditions of the River*

7. Now coming to the question of actual volume of water that is discharged by the river during flood, floods may be classified as follows :—

(i) Normal Floods with peak discharge not exceeding 3 lakh cusecs. (ii) Abnormal floods with peak discharge from 3 lakh to 4 lakh cusece. (iii) Extremely abnormal floods with peak discharge exceeding 4 lakh cusecs which sometimes becomes as high as 650,000 cusecs. (iv) The sub-normal floods with peak discharges not exceeding 2 lakh cusecs.

It will be found from the records of the Irrigation Department that the frequency of normal floods is about 55%. The frequency of abnormal floods is 18%, that of extremely abnormal floods is 2% and that of sub-normal floods is only 25%.

8. Flood that flows down the river reaches Raniganj within 24 hours of the rainfall in the catchment area. water remaining between the high natural banks of the river up to Silna 18 miles above the town of Burdwan. Below this point flood water begins to spill over the right bank, and a portion of Jamalpore thana, nearly half of Khandaghosh thana of the Burdwan district, practically the whole of Pursura and Khana-kul thanas and a portion of Arambagh thana of Hooghly district and a portion of Bagnan thana in Howrah district are inundated.

9. During the high flood of 1913, when the peak discharge reached 625,000 cusecs, Mr. Addams Williams observed that of 625,000 cusecs, about 300,000 cusecs passed Burdwan by the main river and the balance spilled. At Jamalpur the river passed only 140,000 cusecs, about 160,000 spilling between Burdwan and Jamalpore. The quantity of water which arrived at Begua breach by the river was about 120,000 cusecs of which the old bed of the river could pass only 50,000 cusecs, the rest passed through the Begua breach and spilled over the Arambagh sub-division of the Hooghly District. It should be noted, however, that the total quantity of water that passes along Begua breach is much more than what is actually carried by the river



itself. Water that spills over the right bank from Burdwan to Begua eventually finds its way back to the Begua khal through the different spill channels all over the right bank. In a very large flood, the Damodar discharges 11/12ths of its water over the right bank and only 1/12th passes down its own channel. Of the total amount of spill water, 1/12th returns to the river near Gaighata mouth. Taking the discharge of the Damodar at 600,000 cusecs, about 100,000 cusecs is disposed of by the river itself, and about 500,000 cusecs after spilling over the right bank of the river and the Begua khal have to be passed through the Rupnarain. Near Bazi-Bazar, the water is divided by the Baxi Khal embankment which prevents any further progress southwards except through the outlets on either end. In addition to the above, floods, from the Darakeswar, the Silai, the Bhairab Khal, the Chandoor Khal, the Porang, the Cosaye, the Kanki Khal have to pass down the Rupnarain. The total additional quantity of water from all the above mentioned khals and rivers will amount to 360,000 cusecs. Thus if the flood-discharge is unrestricted from all the rivers into the area north of Baxi Khal, the total maximum flood discharge at this place supposing they all arrive at the same moment as is very nearly the case, will reach say 910,000 cusecs, the Damodar flood being 550,000 cusecs. At present, however, as the flood water does not find a free passage into the area owing to different circuit embankments the actual quantity of water discharged at Baxi mouth of the Rupnarain is somewhat less.

#### *Last Year's Flood*

10. Last year the Damodar flood was normal, the discharge of water not exceeding 300,000 cusecs, but a breach occurred in the left embankment of the Damodar at Amirpur between 24th and 26th miles. The flood caused considerable damage. A vast tract from Saktigarh on the E. I. Rly. to the town of Kalna was involved. The E. I. Rly. lines and the G. T. Road were washed away near Saktigarh. The losses in men and cattle were great, the damage to properties and paddy crops were appalling. The situation looked gloomy, and the people felt helpless and hopeless. Government and the public were

very much worried over the situation, and they became extremely anxious to find a solution of the problem so that the recurrence of flood may be prevented.

#### *Condition of the Spill Area in the Right Bank*

11. It is worth while to mention here that the havoc caused by the last year's flood was an annual occurrence on the right side of the Damodar. Every year floods sweep over this area causing considerable damages to land, houses, crops and cattle. A vast tract of the country which was once the most fertile land in the whole of Hindusthan has been turned into waste. The tracts of low land parallel to the course of the river, to which reference has already been made, have been covered with wild 'Bana grass' at places over 6 ft. in height. The area is practically inaccessible for want of roads. About 800 villages in the districts of Hooghly, Burdwan and Howrah are subjected to this flood. Unlike the conditions of Eastern Bengal during floods, in course of 12 hours the area is submerged under water from 4 ft. to 10 ft. in depth. Houses though built over high mounds are partially inundated, but within a week or ten days of the flood, water completely subsides leaving the paddy fields dry and the paddy plants covered with a thick layer of silt. The cultivators then look to the clouds for a shower, otherwise the mud would not be washed away from the plants and they would not recover, if at all. The annual damage to crops alone will be to the extent of a few crores of rupees. People of this area ventilated their grievances and sought redress through the Press and on the platform and submitted several representations to the authorities, but all their efforts have proved fruitless up till now. In the so-called interests of the port of Calcutta, the E. I. Ry. lines and the G. T. Road, Government paid little heed to the grievances of the people living on the right side of the Damodar and have taken emergency measures from time to time to protect the left embankment only. They never thought for the time being of finding out and adopting any permanent solution of the great menace. It is to be noted that the placid complacency of Government is disturbed only when the very safety of the East Indian Railway lines and of the Grand Trunk Road is threat-



ened. In the interests of unhampered military traffic, if not for anything else, it has become incumbent on the Government to set up a Committee to investigate the age-old question again. The Association, however, considers this as a step forward in the right direction and hopes that the efforts of the Committee will not meet with the same fate which had fallen on most of the recommendations of the experts in the past.

12. In finding a satisfactory solution of the Damodar flood problem, the Association submits that the following points deserve full consideration :—

First, ways and means should be found out to ensure the safety of the left embankment and consequently of the vested interests on the left side. It was suggested at times to remove all embankments on both the sides. It would have been an ideal solution, if the river had not been embanked at all. At present the suggestion is not a practical one. Secondly, some permanent relief should be accorded to the inhabitants of the spill area over the right bank of the river itself and both the banks of Begua khal. In doing so, a comprehensive scheme should be taken up which may take a few years for completion but will ultimately solve the problem for a pretty long period. But as the war is now on and the main rail and road traffic through the E. I. Rly. and the G. T. Road is involved, there is a search for some immediate solution, though of a temporary nature. The Damodar flood question engaged the attention of Government as early as 1778 when the embankment was taken over by them. From the fifties of the 19th century upto 1913, the year of the devastating flood, several experts were deputed by the Government to investigate the problem. In 1863, Lt. Garnault after thorough study of the flood conditions suggested construction of reservoirs in the hilly catchments of the river. He selected some sites also. In 1901, Mr. Horn was asked to investigate the question. He submitted the report in 1902 and made some recommendations. But as Government were not directly concerned and as it was considered to affect the interests of the landowners of the flood-stricken area, the recommendations of these experts were shelved on the ground that the schemes if taken up would not be paying. After the

great flood of 1913, Mr. Addams Williams thoroughly surveyed the whole area and investigated the question again. He announced a note of warning to the Government and pointed out that the Damodar problem did no longer concern the land-owners only but that the Government also were more interested in it for the safety of the Port of Calcutta and the large vested interests on the left side of the Hooghly. Only after this warning Government seriously thought over the question and deputed Mr. Addams Williams to suggest remedial measures. The services of Mr. Glass, an expert from the United Provinces, were requisitioned to select sites for building reservoirs and to work out the scheme. He submitted his report suggesting construction of two dams, the one at Balpahari on Barakar and the other at Parjori on the Damodar. The capacity of these two reservoirs, according to him, would be 23,000 and 9,000 million cubic ft. respectively. Mr. Addams Williams as officer on special duty after considering the suggestions of Mr. Glass and those of his own finally made the following recommendations :—

(a) To improve the Muchihana about 4 miles down of Jamalpur.

(b) To cut some exit channels for quick disposal of flood waters near Rupnarain.

(c) To strengthen the Damodar left embankment by constructing a retard line some 300 ft. away from the existing one and gradually filling up the space between the two by silt deposit.

(d) To investigate thoroughly the questions of converting the "Deb khal" into an escape into the Darakeswar and the probable results of such a diversion.

(e) To continue flood observations more specially at sites selected by Mr. Glass for large reservoirs.

(f) To construct reservoirs to reduce the peak discharge commencing with Hazaribag and Usri reservoirs, the former to be provided with 1,600 sq. ft. of sluice half of which are to be under control.



In other words, the suggestions of Mr. Addams Williams were—(i) control of the flood water by building reservoirs in the upper catchments of the river, (ii) investigation of possibility of diversion of a portion of the flood water to the Darakeswar, (iii) removal of the congestion along the course of the river by draining it and its spill channels for quick disposal of the water. It will appear from letter No. 5293 I dated the 18th September, 1923, of the Secretary, Irrigation Department, Government of Bengal that Mr. Addams Williams' recommendations were given effect to in the following manner :—

Item No. (1) : The work was not taken up as funds were not available. But after a few years as we know the work was completed.

(2) Hoorhoora Khal was widened at the time.

(3) This was not taken up for want of funds.

(4) This was not taken up.

(5) & (6) These were abandoned because one of the sites of the detention basins was condemned, the cost was great and ultimate utility was not guaranteed.

#### *Study of the Flood Problem*

13. Mr. Glass's reservoir scheme was abandoned because the Indian Mining Association raised objection that if such a vast amount of water was held up it would prejudicially affect the interests of the members of the Association. The opinion of the then Director General of Geological Survey of India was taken in the matter, and he said in his letter No. 1038 dated the 20th March 1920 "that the Government of Bengal would be assuming a very serious responsibility in building the dam." Though it was pointed out by the author of the scheme that no appreciable quantity of water would flow into the mines and even if it did it would only increase the cost of pumping in the mines a little the ultimate effect of which would have been to raise the price of coal by a few annas per ton, the scheme was abandoned without any consideration of the flood-affected area and the danger to the left embankment.

### *Measures taken after the Survey of 1937*

14. After the high flood of 1890, on the representation of the landowners of the right side of the river, Government in their letter No. 674 I dated the 17th April, 1891 promised to keep all the breaches on the right side of the bank filled upto the ground level. But they only partially fulfilled their promise, and many breaches were left unfilled. In 1937 a comprehensive survey of the portion of the spill area on the right bank within the district of Burdwan was made. As a result, several breaches on the right bank were closed upto the bank level; a masonry dam was put across Kumirkhola breach; and a regulator weir was erected at Lakra.

### *Proposed Diversion of the Damodar to the Darakeswar*

15. After last year's flood various suggestions have been made by different persons to control the flood waters of the Damodar. The Government of India have appointed an expert Committee to find out short-term measures for the effective control of the flood. The British Indian Association came to know from authoritative quarters that this expert Committee was seriously considering the scheme of diverting a portion of the water of the Damodar to the Darakeswar by cutting a straight channel about 200 ft. in width from Silna, some 18 miles west of Burdwan. This channel running southwards will finally fall into the Darakeswar. For the present it was expected that the canal would divert about 20,000 cusecs of water, but later on it would widen itself during floods and a considerable quantity of water would flow to the Darakeswar and relieve pressure on the left embankment below Silna. This Association viewed the proposal with great concern and immediately drew the attention of the authorities to the apprehended serious and disastrous effects of the scheme. The Association is, however much relieved to learn from the communique issued by the Government of Bengal on the 28th of February 1944, that the scheme had been abandoned. It is of the opinion that the scheme should not be undertaken at all even as a long-term remedial measure on the following grounds :—



(i) The peak discharge of an extremely high flood of the Damodar is about 650,000 cusecs and 20,000 cusecs thereof are diverted through the proposed channel it will make no impression on the flood conditions of the Damodar. It will take more than one flood season for the channel to widen sufficiently, so as to pass the adequate quantity of water sufficient to guarantee safety to the left embankment whereas with the first flood of the next rains the tragedy of the last year may reappear. So it cannot be considered as a measure which will ensure unhampered traffic through the E. I. Railway and the G. T. Road.

(ii) The Darakeswar which drains through the Rupnarain in its present state cannot carry more than 50,000 cusecs while the flood in the Damodar may be of the order of 650,000 cusecs. The Darakeswar is not a large river and it has its own flood to dispose of. Besides the catchment areas of the two rivers being parallel a south-westerly depression causes flood in both the rivers simultaneously. The country near its mouth at the head of the Rupnarain over which floods from the Selve, the Cosaye and a number of other khals have to be passed is very much congested with embankments. As has been mentioned in paragraph 9, if these rivers come up simultaneously, as is very often the case, the discharge at this place may be as heavy as 910,000 cusecs. The slope of the country from the Damodar to the Darakeswar is 65 ft. in  $16\frac{1}{2}$  miles or about 4 ft. to a mile. This means if a passage is allowed to the flood waters of the Damodar along such a slope the whole river will turn along this channel.

(iii) Diversion of the Damodar to the Darakeswar will prejudicially affect the major portion of the area within the jurisdiction of the Khandaghosa and the Raina Thanas in Burdwan including the portions thereof which are affected by floods. It will damage considerably the whole of the area within the Indus and the Batrasayar thanas and a portion of the Kotalpore Thana in the District of Bankura. It will also devastate the entire area covered by the Arambagh, the Khanakul, and the Pursura thanas and a portion of the Goghat thana of the Hooghly district. A major portion of the Ghatal

thana and practically the whole of the Daspur thana in the Midnapur district will badly suffer from its effects. The district of Howrah will not also be spared from the disastrous effects. The inhabitants of these areas numbering nearly a million and a half will be rendered homeless and economically ruined. Such a step instead of helping the famine-stricken province to grow more food for the people will permanently and seriously damage one of the best rice-producing tracts of land in the whole of Western Bengal and convert it into a swampy waste.

(iv) If a direct passage is given to the flood waters of the Damodar to the Darakeswar the Bankura-Damodar Railway which alone serves the needs of a vast area on the right side of the Damodar will go, and it will threaten the embankment which protects the B. N. Ry. The B. N. Ry. bridges at Kolaghat, in the opinion of Mr. Addams Williams, can carry 75,000 cusecs more than what is passing through it at present. The diversion of the Damodar to the Darakeswar is sure to throw a greater volume of water at Kola and it may affect the bridge. A direct passage will carry more silt to the Hooghly at the mouth of the Rupnarain. This will be a source of great danger to the port of Calcutta. In support of the Association's contention it may be submitted that Mr. J. Gebble, Inspector General of Irrigation in India in his note dated 16th November, 1921, held that the diversion of the Damodar floods into the Darakeswar was not a feasible proposition.

#### *Remedial Measures Suggested*

16. All experts are in agreement on the point that in order to ensure safety of the left embankment the peak discharge of flood waters should be reduced to 300,000 cusecs, and in order to give some relief to the right side it should be reduced by 100,000 cusecs more, i.e., the discharge may not exceed 200,000 cusecs. The discharge of 300,000 cusecs was thought to be the maximum that could be passed by the Damodar river without any danger to the left embankment. But the experience of the last year has proved otherwise. The embankment breached at a discharge to 200,000 cusecs. With this object in view the Association makes the following concrete



suggestions for an effective solution of the Damodar flood problem at least for a considerable period:

(i) There should be afforestation of the hill slopes in the upper catchment of the rivers Damodar and Barakar. This will prevent land erosion by checking the velocity of the drops of rain with which they strike the ground, and the heaps of leaves that would accumulate under the trees will check the velocity of the run-off water, a portion of which will find its way into the soil.

(ii) A tract of land about 2 miles in width on both sides of the river, and parallel to its bed should be divided into small rectangular compartments by putting earthen bunds 2 to 3 ft. in height lengthwise and also breadthwise, and on these bunds "Keshe" grass should be grown. These compartments would act as so many small reservoirs. They would hold back a portion of the run-off water, a portion of which would pass into the soil. These reservoirs would also serve as settling beds for the silt. Overflow water from them would find its way to the river. The "Keshe" grass over these bunds will protect them from washing away and will act as a strainer of silt from the water that will pass on to the river. Besides, during a heavy shower once a few inches of water accumulates in these reservoirs the rain drops will fall on the surface of this accumulated water and will have very little chance of striking the ground direct. This will prevent land erosion greatly. Such earthen reservoirs are to be built into the point where high masonry dams as proposed by Mr. Glass would be built. Thus the water that would pass to the river would contain much less silt than what passes now and will increase the life of the masonry reservoirs.

(iii) As suggested by Mr. Glass, reservoirs should be built at Belpahari and Parjuri ; water stored in them may be utilised to generate cheap electricity at a suitable site and if it is found that the cost of pumping in some of the mines has actually increased greatly those mines may have the advantage of this cheap electricity. If this arrangement is made, the Mining Association will have no longer any reasonable ground for any objection to the scheme.

(iv) For the quick disposal of water congestions all along the river and its spill channels should be removed by the training of the river and its different spill channels. Begua khal which is a well defined river up to Harinkhola and beyond Harinkhola breaks up into a number of spill channels should be excavated and extended right up to the Rupnarain. The old river bed beyond Begua breach may be utilised for the drainage of a portion of the water by removing the sand mound at its mouth near Muidipur about 4 miles to the south of Jamalpur.

(v) All the existing breaches on the right bank of the river should be filled up to the ground level so that low floods may not find their way into the fields.

(vi) Lastly, a strong masonry regulator wier should be erected at the site of the breach at Amirpur. It should be of such height that only when the discharge of the river exceeds 200,000 cusecs, water will overflow the dam. The overflow water can be diverted to the Hooghly near Kalna through the Banka Nala which should of course be embanked on both sides. On this channel, a bridge is to be constructed at Saktigarh over which the G. T. Road and the E. I. Ry. Lines may be carried. The only objection which may be raised against this measure is that the port of Calcutta will deteriorate owing to a large quantity of sand finding its way to the Hooghly above Calcutta. But it should be considered that only 4 or 5 times in a year, water will flow into this channel as the frequency of flood with peak discharge above 200,000 cusecs is not more than that. As the water will pass over a high Masonry dam, a small amount of sand will enter the channel and in one year this may utmost travel two to three miles along its bed. To prevent the sand from entering the Hooghly gradually after the rains when this channel will be practically dry, the bed may be cleared of the deposited sand which may be utilised for stowing purpose in the coal mines in the district of Burdwan. If this sand clearing is done carefully the proposition may be an economic one. This channel may serve as a supplementary project to the Hooghly-Howrah Flushing Scheme. The other existing channels such as the Behula, the



Bhaluka, etc. may also be utilised for irrigating a large tract of country in the districts of Burdwan and Hooghly which hitherto did not get the benefit of canal irrigation.

17. If these measures are pursued, the Association believes that it will solve the Damodar problem for sometime to come. Except some of the measures suggested in respect of the upper catchment area, the rest may be undertaken in no time.





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